

Proposed Amendments  
Official Code of Cobb County  
Chapters 2, 6, 10, 18, 50, 54, 66, 78, 90, 106, 110, 114, 122 and 134  
Public Hearing Dates  
January 27, 2009 – 7:00 pm  
February 10, 2009 (Transmit Planning Commission Recommendation) – 9:00 am  
February 24, 2009 – 7:00 pm

Cobb County Community Development  
191 Lawrence Street  
Marietta, GA 30060  
[www.cobbcounty.org](http://www.cobbcounty.org)

Sec. 2-142. Purchases exceeding ~~\$30,000.00~~ \$50,000.00

(a) The following policy and procedures with respect to certain purchases exceeding ~~\$30,000.00~~ \$50,000.00 shall be construed and interpreted as, and have the effect of, the exercise of the authority of the board of commissioners to make these specific purchases.

(b) The adoption of the budget containing line item expenditures for purchases normally made through the county purchasing department shall be approved by the board of commissioners for the purchase of those line items by the purchasing department without further action of the board of commissioners, subject to and upon compliance with the following provisions:

(1) The items to be purchased must be items included as line items in the approved budget.

(2) There must be full compliance with all requirements with regard to advertisement and bidding prior to any such purchase.

(3) The purchase must be within the budgeted amount which has been approved.

(4) The purchase must be made from the lowest responsive and responsible bidder or the proposer determined to be most qualified based upon criteria set forth in a request for proposal.

(c) The procedure outlined in subsection (b) of this section shall not apply to purchases which are not normally made through the county purchasing department, nor shall it affect the county manager's authority to make purchases under ~~\$30,000.00~~ \$50,000.00.

(d) The procedure outlined in subsection (b) of this section shall not apply to or supersede the county's policy for the procurement of professional services, which present policy as amended from time to time shall remain in full force and effect.

(e) The policy and procedure described in this section is not intended to restrict the county budget management personnel's prior approved authority to make transfers within the budget, except that any proposed transfer relating to capital expenditures over ~~\$30,000.00~~ \$50,000.00 not originally included in the annual budget shall be first approved by the board of commissioners before the procedure described in this section will apply.

(Res. of 2-27-90; Code 1977, § 3-12-11.1; Ord. of 7-8-97; Ord. of 7-27-04)

## ARTICLE V. ECONOMIC DEVELOPMENT\*

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\*State law references: Redevelopment Powers Law, O.C.G.A. § 36-44-1 et seq.; Urban Redevelopment Law, O.C.G.A. § 36-61-1 et seq.; Development Authorities Law, O.C.G.A. § 36-62-1 et seq.

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### Sec. 2-170. Incentive recapture provision.

Should any incentive offered by the board of commissioners under this article be determined to be illegal, unenforceable or invalid, then the recipient, or his successors, heirs or assigns, agrees to promptly reimburse the county. Any applicant which receives or participates in any incentive offered under this article agrees not to relocate or be annexed for the period for which the incentive is granted and the incentive value is recaptured. Should an applicant or his successors violate the above provision, then such applicant shall immediately reimburse the county for the value of any incentive received under this article.....

(Ord. of 8-24-93; Code 1977, § 3-9.8-6)

### 2-171. Commercial Property Rehabilitation Incentive Program

#### Definitions

Assessed Value means the taxable value of real property as shown on the tax digest of the County.

Base Value means the Assessed Value of a Project as determined by the County's Board of Tax Assessors (BTA) on January 1 of the year in which the rehabilitation or renovation of the Project begins.

Commercial Use means the selling or providing of goods or services to individuals, firms or corporations; provided that for purposes of this Program, mixed use structures (used for both residential and commercial purposes) constitute commercial use only when the square footage of that portion of the structure used for the sale or provision of goods and services exceeds fifty percent (50%) of the total square footage of the structure.

Corridor Study Area means the Atlanta Road Corridor Study Area, the Canton Road Corridor Study Area, the Veteran's Memorial Highway Corridor Study Area or the Veteran's Memorial Highway West Corridor Study Area, each as described in the exhibits to this ordinance or as amended or supplemented from time to time by the Board of Commissioners.

County means Cobb County, Georgia, A Political Subdivision of the State of Georgia.

Development Authority means the Development Authority of Cobb County.

Exemption Amount means the ad valorem property taxes resulting from the increase in the Assessed Value of a Commercial or Industrial Use Structure directly attributable to the substantial rehabilitation and/or renovation of the structure as approved by the Program.

Industrial Structure means a structure or part thereof used for manufacturing, processing, or assembling of material or manufactured products, or for research.

Owner means all persons or entities holding title (as referenced in the County's official tax records) to taxable interests in the real estate, Commercial or Industrial Use thereon for which an exemption is requested.

Program means the Cobb County Commercial Property Rehabilitation Incentive Program.

Project means a commercial rehabilitation project approved for the Cobb County Commercial Property Rehabilitation Incentive Program by OED, BTA and the Development Authority.

Single Project means for purposes of this ordinance a project consisting of one tax parcel which may include one or more buildings which is to be substantially rehabilitated or renovated within two (2) years of the issuance of the initial construction permit issued following acceptance to the Program.

Substantially rehabilitated or renovated commercial structure means an existing commercial use structure, no less than twenty-five (25) years of age (calculated from the date in which the original certificate of occupancy was issued), located in a Corridor Study Area or included among those sites listed in the Inventory of Redevelopment Sites (as shown on Exhibits 5 and 6 hereto), or other areas that may be added by action of the Cobb County Board of Commissioners (the "Board of Commissioners"), where the structure has been substantially rehabilitated or renovated so as to increase the Assessed Value thereof by not less than fifty (50) percent of the Base Value. Renovation/rehabilitation consists of capital improvements and includes, but is not limited to, the installation of improvements to the building (including fixtures or mechanical systems).

parking, and public infrastructure. Ordinary upkeep and maintenance shall not be deemed a qualifying improvement for purposes of this Program.

#### 2-172. Purpose

The purpose of this Program is to encourage owners of older commercial/industrial property (twenty-five years or more in age) in select areas and sites around the County (as depicted in the Corridor Study Areas and the Redevelopment Sites specified on Exhibits 1 to 6) to revitalize those properties. The definitive objective of revitalizing these areas is to contribute to economic growth by creating jobs and improving the County's tax base. Proposed projects must adhere to any specific architectural and/or design guidelines that may apply in these areas or sites.

If the type of work conducted meets the Program's requirements, and the BTA approves the proposed project, the BTA will approve a valuation schedule on those improvements for up to five years based upon an escalating percentage of the fair market value of the improvements, provided these new improvements increase the assessed value by at least 50% or more of the current Assessed Value and does not propose an increase in square footage by more than 100%. This increase in Assessed Value, as determined by the BTA, must be a result of actual physical changes resulting from the rehabilitation or renovation and not a result of inflationary changes in the value of the property related to the state of the economy or other market forces. The BTA's decision regarding the current Assessed Value will be final.

#### 2-173. Program Requirements

Effective Date of Exemption Amount. Only rehabilitative work performed after the approval of the application may be awarded an Exemption Amount under the Program. In addition, any adjusted valuation schedule approved by the BTA is to begin on the next succeeding January 1 following the issuance of a Certificate of Occupancy (C.O.) for the improvements. Initial and final inspections approved by the Fire Marshal and Chief Building Official are required to obtain a C.O. The applicant must provide the BTA with a copy of the final C.O.

Certification of Age of Structures. The structure being improved must be a minimum of twenty-five years old (calculated from the date in which the original certificate of occupancy was issued).

Location of Structures. An approved Project must be located within the Corridor Study Area or included among those sites listed in the Inventory of Redevelopment Sites adopted by the Cobb County Board of Commissioners as may be amended from time to time.

Single Project. Improvements must be the result of a Single Project. Building permits must be issued within a 120-day period from the time of acceptance into the Program, and completed within two (2) years from the date that the initial construction permit was issued. A copy of which must be provided by the applicant to the BTA.

Personal Property Excluded; Program Terminates on Sale. The Program incentives, if granted, will not apply to personal property and will not apply retroactively to improvements made without prior OED and BTA approval. All program incentives terminate upon the sale or transfer of any portion/parcel of the Project.

Timely Payment of Ad valorem Property Taxes. Applicant's property taxes must be current and paid on time for a minimum of three (3) years and the applicant must have filed timely business personal property returns for each of the three (3) years prior to making application for said exemption in order to be eligible to participate in this program.

Vacant Land Excluded. The Program does not apply to projects built on vacant land.

Demolition of Existing Structures. The Program will apply to those projects in which the building is completely demolished and replaced by a new structure provided that the existing structure is at least twenty-five (25) years old as of the application date and provided the difference between the assessed value of the existing structure and the assessed value of the new structure increases by at least 50% or more of the current assessed value and does not increase square footage by more than 100%.

Single Parcel-ID. Separate applications must be submitted for each tax parcel in which the owner is seeking participation in the Program.

Permits. Appropriate building permits, and any other local, state or federal approvals, must be obtained prior to work commencement. County permitting fees will be assessed improvements on a parcel by parcel basis.

## 2-174. Program Incentive

Approved applicants will receive a Program incentive in the form of an effective reduction in ad valorem property taxes equal to the Exemption Amount -- calculated as the difference between ad valorem property taxes computed on the Base Value and the new assessment (as determined by the BTA) multiplied by the "applicable percentage" described herein.

The property tax incentive is made possible by placing nominal title to the taxable assets into the name of the Development Authority (under Georgia law

development authorities are exempt from ad valorem taxes on real property) which in turn leases these assets back to private entity. Title to the property reverts to the owner/applicant immediately upon the end of the lease. In addition, the Development Authority issues a notional amount taxable revenue bonds through a transaction commonly referred to as "Bonds for Title". Bonds are held by the applicant and not sold to the public. During the term of the lease, the applicant would be responsible for paying ad valorem property taxes on the "leasehold value" of the project-improvements in the form of an effective reduction in ad valorem property taxes equal to the Exemption Amount resulting in a substantial reduction in the amount of property taxes which would be have been due if the property was owned outright (in fee simple) by the applicant. The value of the "abatement" adjusts and diminishes each year as the revisionary interest ripens and fully vests at the end of the lease term.

While the Project is titled to the Development Authority under this Program, the BTA has agreed that the fair value of the leasehold interest of the applicant in such assets will increase as the lease term progresses and for any year will equal the Base Value, plus the product of the "applicable percentage" for such year, multiplied by the fair market value of the fee value of such improved structure(s) in such year.

The "applicable percentage" established for a Project under this Program will be for a period of up to 5 years and will start on January 1<sup>st</sup> of the year following the completion of the Project. For the purposes of this ordinance], the "applicable percentage" will be applied in the following manner:

|             |                      |
|-------------|----------------------|
| <u>Year</u> | <u>0%</u>            |
| <u>1:</u>   |                      |
| <u>Year</u> | <u>20%</u>           |
| <u>2:</u>   |                      |
| <u>Year</u> | <u>40%</u>           |
| <u>3:</u>   |                      |
| <u>Year</u> | <u>60%</u>           |
| <u>4:</u>   |                      |
| <u>Year</u> | <u>80%</u>           |
| <u>5:</u>   |                      |
| <u>Year</u> | <u>fully taxable</u> |
| <u>6:</u>   |                      |

As an example, if an application is received on January 15<sup>th</sup>, then the applicant must wait until the next calendar year for the abatement to take effect. If the Base Value equals \$1,000,000 and the fair market value of the improvements equals \$500,000, then the total Assessed Value under the Program would equal \$1,000,000 in Year 1, \$1,100,000 in Year 2, \$1,200,000 in Year 3, \$1,300,000 in

Year 4, \$1,400,000 in Year 5 and \$1,500,000 in Year 6 and thereafter before accounting for any market fluctuations in values generally. Note that the Assessed Value is the 40% value as distinguished from the "market value."

Should the building proposed for rehabilitation be located in a Corridor Study Area or be included in the Inventory of Redevelopment Sites also be located in an Enterprise Zone established by the Board of Commissioners, the applicant shall not qualify for both property tax-incentives. The applicant may qualify for other incentives available through the Enterprise Zone but may only do so at the discretion of Cobb County. This abatement program is not available to properties or projects within a Tax Allocation District (TAD).

The owner must submit a detailed list of their actual improvement costs to the Office of Economic Development (OED) for review.

Secs. 2-171-2-190. Reserved.



Sec. 6-6. Prohibited activities.

(a) On school grounds; in parks. No alcoholic beverage shall be sold, possessed or consumed by any person in any school building or on any school grounds. No alcoholic beverages shall be sold, possessed or consumed by any person in any county park except:

- (1) At a closed function as defined in this chapter and only at the locations specified in the definition; or
- (2) At any golf course facility owned, leased, or operated by the county or a board of commission of the county; or
- (3) At the Mable House Ampitheater alcoholic beverages may be possessed, sold and consumed by persons 21 years of age or older during concerts and performing arts events, ~~which shall not include events primarily for children, or is requested by the lessee or performer.~~ other than events which are primarily for children or events at which the lessee or performer requests that the possession, sale, or consumption of alcohol be prohibited. An event that is primarily for children is an event that is so designated by the county department of parks, recreation and cultural affairs.

Section 90-53 shall permit the sale of alcoholic beverages consistent with this section.

(b) In vehicles. It shall be unlawful for any person to consume while driving or operating any vehicle on any public road or street any alcoholic beverage in any open or unsealed original container or cup, can, bottle or other open or unsealed container.

(Ord. of 8-14-73, art. I, § 1(p), (v); Ord. of 2-12-74; Ord. of 3-24-87; Ord. of 10-24-89, § I; Ord. of 9-25-90; Ord. of 5-11-93; Code 1977, § 3-4-4; Ord. of 7-27-04)

State law references: Possession of open container of alcoholic beverage while operating vehicle, O.C.G.A. § 40-6-253.

Sec. 6-130. Supplemental requirements for sale of alcoholic beverages for on-premises consumption.

(a) No license for the sale of alcoholic beverages by the drink ~~or for the operation of a bottle house~~ shall be issued to any applicant who does not meet the requirements of a restaurant, hotel, or private club, lounge, bar, or nightclub as defined in this chapter. No bottle house shall operate unless it shall obtain a pouring license.

(b) Failure to produce satisfactory evidence that the business meets the percentage of food requirement of its total annual food and beverage sales from the sale of food as required to be a bar or restaurant shall be cause for denial or revocation of the alcoholic beverage licenses.

(c) The square foot area of a bar facility in a restaurant shall not be greater than 25 percent of the square footage of the dining area of the establishment where tables are located excluding kitchen area, hall, restrooms, waiting area, and area where games or pool tables are located.

(Ord. of 8-14-73, art. II, § 22; Ord. of 10-24-89, § I; Ord. of 5-11-93; Code 1977, § 3-4-48; Ord. of 7-10-01 (eff. 1-1-02); Ord. of 7-8-03)

Sec. 6-147. Procedure for suspension and revocation.

(a) No alcoholic beverage license which has been issued or which may hereafter be issued shall be suspended or revoked except for due cause as defined in this section, after a hearing and upon written notice to the holder of such license of the time, place and purpose of such hearing and a statement of the charge or charges upon which such hearing shall be held. A minimum of three days' notice shall be provided to the licensee. Due cause for the suspension or revocation of such license shall consist of the violation of any laws or ordinances regulating such business or for the violation of any state or federal law; or for any change in the area where such business is located, which change is deemed by the board of commissioners to cause such business in such area to be undesirable; or any reason which would authorize the board of commissioners to refuse the issuance of a license; or any violation of this chapter. Further, the police department shall notify the business license division manager of a licensee or anyone in the employ of a licensee (i) being charged with or arrested for selling alcoholic beverages (A) to an underage person or persons or (B) on Sunday without necessary Sunday sales license or (ii) being convicted of selling alcoholic beverages to an intoxicated persons pursuant to Official Code of Georgia Annotated § 3-3-22 during the current license year. Once the business license division manager becomes aware of such charge, charges, arrest or conviction he shall place the matter for hearing by the license review board. The license review board at such hearing shall hear evidence of the circumstances of the sale to the underage person or persons, of the unauthorized Sunday sale, or the sale to an intoxicated person or persons and after said hearing may recommend that the license to sell alcoholic beverages be suspended for a maximum of 12 months ~~for a period up to six months or less or the license review board may recommend to the board of commissioners that the license be suspended for a period of greater than six months~~ or revoked. In addition the license review board and board of commissioners may recommend that a responsible alcohol sales and service workshop approved by the business license division manager be attended by the licensee at the licensee's expense. In the event the license review board recommends that the alcoholic beverage license be suspended or revoked, the owner of the alcoholic beverage license, the licensee or both may file an appeal with the business license division manager of such recommendation within ten days to the board of commissioners. If the license review board recommends suspension or revocation ~~of six months or less~~ and the owner of the alcoholic beverage license, the licensee or both should fail to appeal such suspension or revocation recommendation then the suspension or revocation shall become effective upon affirmation by the board of commissioners of such suspension or revocation recommendation and the owner of the alcoholic beverage license and the licensee shall be deemed to have acquiesced to such suspension or revocation. The board of commissioners and the license review board may consider mitigating and aggravating circumstances in considering sanctions, including but not limited to, attendance of a RASS

workshop, implementation and components of written policies, employees have or do not have alcoholic beverage work permits, implementation and results of mystery shopper program, implementation and components of training program, number of violations of business, number of violations of licensee, number of stores, length of time in business, compliance check was due to a complaint, identification was not checked, and any other facts deemed relative by the fact finder. The board of commissioners shall, within 60 days of the license review board action, review a summary of the hearing before the license review board wherein the alcoholic beverage license was considered for suspension or revocation (the summary shall be prepared by the business license division manager) and the board of commissioners after such review may place the matter down for a hearing or affirm or alter the decision of the license review board. Should the board of commissioners place the matter down for hearing the board of commissioners after such hearing may place on probation, suspend or revoke the alcoholic beverage license.

(b) In all hearings held pursuant to this section, the proceedings shall be as informal as compatible with justice, the hearing shall not exceed 30 minutes in length, and the following procedures shall prevail:

(1) The charges and specifications against the licensee and the response as filed by the licensee shall be read.

(2) The county representative shall present evidence, and then the licensee shall present his evidence, with opportunity for each party to present rebuttal evidence, examination and cross examination of witnesses, and interrogation by the board of commissioners. No evidence shall be presented which is not relevant to the charges.

(c) After the hearing under this section if the board of commissioners determines due cause to exist, the board of commissioners may suspend for a maximum of 12 months with or without conditions, place on probation for a maximum of 12 months, with or without conditions, or revoke the license or holder.

(d) In the event a license to sell alcoholic beverages is suspended a sign issued by the business license office shall be placed at each entrance to the facility wherein alcoholic beverages were sold with the sign providing, "THE LICENSE TO SELL ALCOHOLIC BEVERAGES ISSUED TO THE OWNER AND LICENSEE OF THIS BUSINESS HAS BEEN SUSPENDED FROM \_\_\_\_\_ TO \_\_\_\_\_ AS A RESULT OF SELLING ALCOHOLIC BEVERAGES TO AN UNDERAGE PERSON, AN INTOXICATED PERSON OR AN UNAUTHORIZED SUNDAY SALE." In the event a license to sell alcoholic beverages is revoked a sign issued by the business license office shall be placed at each entrance to the facility wherein alcoholic beverages were sold with the sign providing, "THE LICENSE TO SELL ALCOHOLIC BEVERAGES ISSUED TO THE OWNER AND LICENSEE OF THIS BUSINESS HAS BEEN REVOKED AS A RESULT OF SELLING ALCOHOLIC BEVERAGES TO AN UNDERAGE PERSON, AN INTOXICATED PERSON OR AN

UNAUTHORIZED SUNDAY SALE." The sign shall stay in place for the period of suspension or in the case of a revocation for a period of 30 days.

(Ord. of 8-14-73, art. III, § 26; Ord. of 3-24-87; Ord. of 10-24-89, § I; Ord. of 5-11-93; Ord. of 4-26-94; Ord. of 3-25-97 (eff. 4-1-97); Code 1977, § 3-4-90; Ord. of 5-9-00; Ord. of 1-23-01; Ord. of 7-10-01 (eff. 1-1-02); Ord. of 7-27-04; Ord. of 7-26-05; Ord. of 7-25-06)

Sec. 6-207. Work permits.

(a) For whom required. It is the responsibility of the licensee and designee as stated in section 6-92(g) to ensure that the employees required under this code section obtain and possess the required work permit prior to working. Failure of an employee to possess a work permit while selling or serving alcoholic beverages shall be unlawful and will subject the employee and licensee to prosecution as provided in this chapter and is grounds for suspension or revocation of the license. A permit to work in any of the following establishments shall be required of the following:

- (1) All employees of package stores.
- (2) All employees of businesses with a pouring license, except busboys, cooks, dishwashers, hostesses, maintenance and administrative staff. Notwithstanding the exception by title in this subsection, any employee serving or selling food or alcohol in a establishment with a pouring license is required to obtain a work permit.
- (3) All managers, including an independent contractor, all employees serving in a managerial capacity and any employees providing security to any establishment with a package or pouring license, whether or not any such person sells or serves alcohol, shall be required to have a work permit.
- (4) All employees of convenience stores except employees that are 16 or 17 years of age that perform duties other than selling items to customers. These minor employees can only work while a manager with a valid alcohol work permit is on the premises of the convenience store. Any violation by a minor employee of a convenience store shall be a violation of the licensee and shall be considered due cause for suspension or revocation of the license as provided in Section 6-147 of the Cobb County Code of Ordinances.

The licensee to whom an alcoholic beverage license has been issued under this chapter-shall not be required to obtain a work permit. Employee for the purposes of this section shall include independent contractors.

(b) Application and issuance. Except as otherwise provided, no person requiring a work permit may be employed by an establishment holding a license under this chapter until such person has been issued a work permit from the county police department indicating the person is eligible for employment. The work permit is valid for employment at one business only. The permit may be transferred to another business location, without approval, provided that the ownership of the business is the same as the previous location. If the ownership of the business is different, the person with the work permit must apply and be approved by the Cobb County Police Department in order for the work permit to be valid. All applications required by this section shall be investigated by the police department to include, among other things, an investigation of the criminal record, if any, of the applicant. No work permit shall be issued by the police department if the applicant has violated any of the provisions of section 6-206 hereof. Any applicant who is not issued a work permit

shall have the right to appeal such decision to the license review board. Appeals to the Cobb County License Review Board regarding the denial of an alcoholic beverage work permit must be filed with the Cobb County Business License Division within 30 days of the denial. Denied Applicants that fail to file a timely appeal shall not be authorized to reapply for an alcoholic beverage work permit for twelve months from the date of denial.

(c) Time limit. All persons subject to the provisions of this section shall, prior to the date of their first work in an establishment holding a license to sell alcoholic beverages, make application for a work permit to the county police department. Work permit requirements do not apply to temporary, nonprofit fundraising events.

(d) Permit term: prescribing fee. Any permit for employment issued under this section shall expire 12 months from the date of issuance unless earlier suspended or revoked as provided in this section. The police department may prescribe regulations for certifying the eligibility for continued employment without the necessity of the employee's being fingerprinted and may prescribe reasonable fees for certifying the eligibility for employment.

(e) Possession of permits by employees. Employees holding permits issued pursuant to this section shall at all times during their working hours have the permits available for inspection at the premises.

(f) Exclusion. This section shall not apply to private clubs.

(g) [Work permit requirement.] At all times that the business is open the licensee shall have at least one person on the premises who has a valid work permit.

(h) Grounds for suspension, revocation, probation. No permit which has been issued or which may hereafter be issued under this section shall be suspended, revoked or placed on probation except for due cause as defined in this subsection, and after a hearing and upon written notice to the holder of such permit of the time, place and purpose of such hearing and a statement of the charge or charges upon which such hearing shall be held. A minimum of three days' notice shall be provided to the applicant or permit holder. "Due cause" for the suspension or revocation of the permit shall consist of the violating of any laws or ordinances regulating the sale of alcoholic beverages or for the violation of any state, federal or local ordinances set out in section 6-206; or for the omission or falsification of any material in any application; or for any reason which would authorize the refusal of the issuance of a permit; or any violation of this chapter. All hearings shall be before the license review board and shall be conducted in the manner provided in section 6-147(b). After the hearing if the license review board determines due cause exists, the license review board may suspend, revoke or place on probation for a maximum of 12 months, with or without conditions, the permit. In addition, after the hearing, the license review board may grant a work permit to an employee whose application was denied upon any conditions deemed appropriate by the board. The board of

commissioners shall at its next meeting review a summary of the hearing before the license review board wherein the work permit was considered for issuance, suspension or revocation (the summary shall be prepared by the business license division manager) and the board of commissioners after such review may place the matter down for a hearing. Should the board of commissioners place the matter down for hearing the board of commissioners, after such hearing, may issue the work permit, suspend or revoke the work permit or place the employee on probation. The employee whose work permit was not issued or whose work permit was probated, suspended or revoked may appeal to the board of commissioners pursuant to section 6-147 hereof.

(Ord. of 8-14-73, art. IV, § 34; Ord. of 3-24-87; Res. of 9-22-87; Ord. of 10-24-89, § I; Ord. of 9-25-90; Ord. of 5-11-93; Ord. of 3-25-97 (eff. 4-1-97); Code 1977, § 3-4-61; Ord. of 8-10-99; Ord. of 7-10-01 (eff. 1-1-02); Ord. of 1-24-06; Ord. of 7-25-06)



Sec. 6-236. Pricing of alcoholic drinks.

(a) This section shall be construed to cover, include and apply to every type of alcoholic beverages licensed to be sold in the county, including beer, wine, malt beverages and spirituous liquors.

(b) Each licensee under this chapter shall maintain a daily schedule of the prices to be charged for all alcoholic beverages to be served and consumed on the licensed premises or in any room or part thereof. The licensee shall not vary the prices from hour to hour within a single day. The schedule of prices shall be maintained in a manner so as to be available to the paying public and law enforcement officers or agents of governmental authority. Such schedule shall be effective for not less than a 24-hour period beginning at 12:01 a.m. and ending at midnight, and shall show thereon the date for which the schedule is effective.

(c) No licensee or holder of any license to sell alcoholic beverages for consumption on the premises or in any part thereof, or employee or agent of a licensee, shall:

(1) Offer or deliver any free alcoholic beverage to the general public. This subsection shall not apply to tasting rooms of farm wineries where wine is offered in a quantity to only taste the product or for persons in compliance with 6-131 of this chapter .....

(10) Require or encourage the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased.

(11) Knowingly allow an alcoholic beverage purchased on the premises to be removed from the premises, except as provided in OCGA 3-6-4, without having been consumed. "Premises," for the purpose of this subsection, shall be construed to mean the entire area under the supervision, management or control of the licensee, excluding areas for parking of motor vehicles; a patio shall be part of the premises only when the patio is in compliance with the zoning ordinance and zoning of the location. The patio must be in compliance with the building and fire and life safety code. The patio shall be completely enclosed and attached to the establishment by a rail or wall with a minimum height of 42 inches and maximum openings of four inches except for the emergency exit(s). The only entrance(s) to the patio shall be from the establishment. In the case of licensees whose licensed location is located on a portion of the premises of club, organization, establishment or entity offering outdoor recreation (for instance, golf or tennis), the word "premises" shall extend to cover all areas operated as a part of the club or entity excluding areas for parking of motor vehicles.....

Sec. 10-138. Sanitation.

(a) Animal owners, or persons who care for animals at the person's residence, must keep their property, including but not limited to their yards, property, porches, balconies, decks , and interior living spaces etc. reasonably free of animal waste including feces and urine and the residue thereof. Animal waste will be removed in a timely manner by placing said material in a closed or sealed container and thereafter disposing of it in the animal owner's trash receptacle, sanitary disposal unit, or other closed or sealed refuse container, so as to provide a sanitary and odor free condition at all times.

(b) Persons who permit their animals to defecate on public or private property other than their own property are required to immediately pick up the feces, bag the feces, and properly dispose of the feces. Animal waste shall be removed by placing said matter in a closed or sealed container and thereafter disposing of it in the animal owner's or public trash receptacle, sanitary disposal unit or other closed or sealed refuse container.

(c) Any person found in violation of subsection (a) or (b) of this section shall be in violation of this chapter, subject to the following exceptions:

(1) Persons using guide dogs or assistance dogs are exempt from removing feces;

(2) Hunting dogs being used in a legal hunt with permission of the property owner; or

(3) Law enforcement officers working police trained dogs.

(Ord. of 5-24-05)

Sec. 18-2. Correction of code violations.

(a) The bond required of a builder, electrical contractor, owner, individual, or other entity, or of any licensed plumbing contractor or licensed HVAC contractor who chooses not to execute and deposit a code compliance bond pursuant to section 18-1(b) and who seeks to obtain a permit for construction pursuant to section 18-1, shall be a code compliance bond in favor of the county ensuring that all construction, installation and modifications be done in compliance with this Code with coverages extending for a period of one year from the date of the final inspection.

(b) The bond required of any licensed plumbing contractor or licensed HVAC contractor who chooses to execute and deposit a code compliance bond pursuant to section 18-1(b) and who seeks to obtain a permit for construction pursuant to section 18-1 shall be a code compliance bond which conforms to the requirements of section 18-1(b).

(c) Any final inspection report and certificate of occupancy issued for any structure shall have noted thereon: "To the best of the county's knowledge and belief at the time of inspection, the structure has been erected in substantial compliance with applicable building codes. No oversight by the office of the building inspector shall excuse violation of any ordinance of Cobb County."

(d) After issuance of any final inspection report and upon the written complaint of the homeowner received within one year of the final inspection, the county reserves the right ~~for a period of one year~~ to reinspect a dwelling for latent code violations which existed at the time of final inspection but were not detected. ~~Any inspection made after the issuance of the final inspection report and before the termination of the one-year requirement by the office of the building inspector shall be in response to a written complaint by the owner.~~

(e) The builder, electrical contractor, plumbing contractor, HVAC contractor, owner, individual or other entity securing the permit shall be responsible for the correction of any code violations by him that are discovered during the period of construction and for a period of one year from the date of final inspection, excepting routine maintenance, abuse, modification and normal wear and tear. For violations that are discovered as a result of a homeowner's complaint and subsequent County reinspection pursuant to subsection (d) hereof, the written complaint shall be considered timely and subject to the provisions hereof irrespective of when the County reinspection takes place.

(f) In responding to a written complaint and upon inspection of the dwelling, should the office of the building inspector determine that there exists in any structure covered by a bond issued pursuant to subsections (a) or (b) of this section, any violations of this Code, the principal on any such bond, being the builder, electrical contractor, plumbing contractor, HVAC contractor, owner, individual or other entity obtaining a permit for construction, shall be notified by certified mail of the violation and shall be allowed ten working days from the

receipt of the notification to respond to the charge of violation and to meet with the office of the building inspector regarding a remedy for the violation. It shall be the responsibility of said principal to ensure that the office of the building inspector has a current mailing address for the principal on every permit until one year has elapsed from the final inspection. Unless the principal informs otherwise in writing, the address provided on the building permit shall be deemed to be the proper mailing address for notifications under this section. The principal shall have 30 days from the date the notice of violation is received, refused, or returned to correct the violations cited in the notice. Should the principal not correct the violation in a manner satisfactory to the office of the building inspector, or, in the judgment of the building inspector, have not made satisfactory progress in remedying the violation within this 30-day period, then said principal shall be notified in writing of the default and the surety shall be called upon to remedy the default within 45 days of notification.

(g) The principal on the bond may appeal the notice of violation to the adjustment and appeals board provided by section 18-36 et seq. to hear and rule on such complaints within 20 days of the receipt of the notice of violation. The appeal must be in writing and filed in the office of the chief building official. The appeal will be expeditiously reviewed by the appropriate plumbing, electrical, heating and air conditioning or home builders' advisory boards established to make recommendations on such matters. Should the adjustments and appeals board, considering such recommendation by the appropriate advisory board(s), find the principal in violation of the code and in its judgment the violation is sufficiently serious as to affect the structural integrity or the expected normal service life of the structure or installed systems, or the safety and welfare of any occupants of the structure, the principal shall have 30 days to remedy the violation to the satisfaction of the office of the building inspector. Should the principal not correct the violation in a manner satisfactory to the office of the building inspector, or, in the judgment of the building inspector, have not made satisfactory progress in remedying the violation within this 30-day period, then he shall be notified in writing of his default and the surety shall be called upon to remedy the default within 45 days of notification.

(h) The surety's obligation shall be limited to an amount required to remedy the code violation, but in no event shall the obligation exceed the amount of the bond.

(Res. of 6-10-86; Ord. of 10-11-94; Code 1977, § 3-6-2; Ord. of 7-26-05)

Sec. 18-256. Adopted.

The edition of the International Plumbing Code promulgated pursuant to O.C.G.A. § 8-2-25, as amended from time to time, is hereby adopted as the plumbing code of the county, subject to all exceptions, amendments and modifications contained in this article, which in the event of conflict shall supersede and take priority over any amended or unamended section in the adopted plumbing code. Amendments shall be construed as superseding only that part of the section with which there is a conflict. The county further adopts sections 101 through 108 of such plumbing code for the administration of such code.

Sec. 18-257. Amendments.

The plumbing code adopted in section 18-256 is amended as follows:

\*Revise the International Plumbing Code, 2006 Edition and 2009 Georgia State Amendments as follows:

301.3 Connections to the sanitary drainage system.

Exception: Bathtubs, showers, lavatories, clothes washers and laundry trays shall not be required to discharge to the sanitary drainage system where such fixtures discharge to an approved gray water system for flushing of water closets and urinals or for subsurface irrigation. Gray water may also be used for other purposes when designed by an engineer licensed in the State of Georgia and the system is approved by the authority having jurisdiction.

(Effective January 1, 2009)

Appendix C Gray Water Recycling Systems

Delete sections C101 General and C102 in their entirety.

Appendix I Rain Water Recycling Systems

Section I101 General

I101.1 Scope. The provisions of this appendix shall govern the materials, design, construction and installation of rain water systems for flushing of water closets, flushing of urinals, and cooling tower make up water. Nothing in this appendix shall be construed to restrict the use of rain water for outdoor irrigation.

I101.5 Installation. In addition to the provisions of Section I101, systems for flushing of water closets, flushing of urinals, and cooling tower make up water shall comply with the provisions of the International Plumbing Code.

Delete section I102 in its entirety.

Sec. 50-191. Prohibited discharges.

(a) It is unlawful for any person to throw, drain, run, or otherwise discharge to any component of the county separate storm drainage system or to cause, permit or suffer to be thrown, drained, run or allow to seep or otherwise discharge into such system any matter of any nature excepting only such stormwater or surface water as authorized in this article. Prohibitions of this section shall include all trash of any sort, household products, furniture, toys, yard clippings, shrubbery, trees, limbs, etc.

(b) The following are exempt from the prohibition provision of this section:

(1) Water line flushing performed by a government agency, diverted stream flows, rising groundwaters and unpolluted groundwater infiltration.

(2) Unpolluted pumped groundwater.

(3) Discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, ~~individual residential car washing~~, flows from riparian habitats and wetlands, and street wash water, provided that any toxicity from these sources not cause confirmed problems downstream. In such case of problems the director may require adjustments to discharges to minimize the confirmed problem.

(4) Discharges or flows from firefighting.

(5) Other unpolluted water.

(c) In the event of an accidental discharge or an unavoidable loss to the county separate storm drainage system of any material or substance other than stormwater runoff, the person concerned shall inform the department immediately of the nature, quantity and time of occurrence of the discharge. The person concerned shall take immediate steps to contain, treat, or take other actions to minimize effects of the discharge on the county separate storm drainage system and receiving streams. The person shall also take immediate steps to ensure no recurrence of the discharge.

(Ord. of 9-28-93; Code 1977, § 3-22.5B-9)

Sec. 54-53. ~~Reserved.~~ Re-inspection Fees

The county's Fire Marshal's Office shall be authorized to assess re-inspection fees in accordance with the following:

|  |                 |
|--|-----------------|
| <u>1<sup>st</sup> Re-inspection.....</u>                         | <u>\$50.00</u>  |
| <u>2<sup>nd</sup> Re-inspection.....</u>                         | <u>\$100.00</u> |
| <u>3rd Re-inspection and every re-inspection thereafter.....</u> | <u>\$150.00</u> |

Fees will be assessed upon the completion of a scheduled re-inspection, when it is determined that the cited code violation(s) has not been corrected to bring it into compliance with the applicable code(s). If during a re-inspection, a code violation is noted that was not listed as part of the original violation(s), a re-inspection fee will not be assessed for the newly cited code violation(s). Any newly cited code violation discovered at the time of re-inspection will be considered a first time violation and will restart the re-inspection fee process. The re-inspection fee process will be as follows:

1. When, during a scheduled re-inspection, an inspector determines that the cited code violation(s) has not been corrected to bring it into compliance with the applicable code(s), the inspector will notify the responsible party: contractor, owner, manager, etc. Whenever possible, a re-inspection fee citation stating the re-inspection fee amount will be left with a responsible party or posted on site. When no one is on site to receive the citation, the inspector shall notify the responsible party as soon as possible using contact information supplied to the Fire Marshal's Office.
2. Re-inspection fees must be paid within thirty days of the re-inspection date to Cobb County Fire and Emergency Services. The foregoing notwithstanding, no Fire Safety Codes Release or Certificate of Occupancy will be issued until all re-inspection fees are paid in full.
3. Any disputed fees may be appealed in writing to the Fire Marshal's Office, with final authority resting with the Fire Marshal.
4. Re-inspection fees will also be applied to plan review appointments scheduled with the Fire Marshal's Office if not cancelled a minimum of 24 hours prior to the scheduled plan review time.



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Editor's note: An ordinance adopted Jan. 24, 2006, repealed former § 54-53 of the Code, which pertained to adoption of the life safety code and derived from an ordinance adopted June 8, 1971, § 1; an ordinance adopted Oct. 27, 1987; the 1997 Code, § 3-13-31; and an ordinance adopted July 24, 2001.....

## Article VI. Outdoor Burning

This article is intended to promote and safeguard the public health, safety, comfort, air quality, and living conditions of the citizens of unincorporated Cobb County relative to outdoor burning.

### Sec. 54-111. Applicability.

- (a) This article applies to all outdoor burning within unincorporated Cobb County.
- (b) The requirements of this article are supplemental to State laws and regulations governing outdoor burning restrictions and restrictions governing the disposal of construction waste. To the extent any State law, Environmental Protection Division Rules, or other adopted codes is more stringent than the requirements contained in this article, such other law, rule, and/or code shall be controlling.

State law references: "The Georgia Air Quality Act of 1978," O.C.G.A. § 12-9-1, et seq.; "Rules for Air Quality Control," Chapter 391-3-1, Sec. 391-3-1.02(5).

### Sec. 54-112. Definitions.

- (a) Clean wood means natural wood which has not been painted, varnished, or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.
- (b) Bonfire means an outdoor fire larger than a recreational fire in which only logs or clean wood are being burned for ceremonial purposes.
- (c) Fire Chief means the Chief of Cobb County Fire and Emergency Services or his or her designee.
- (d) Garbage means any waste material other than charcoal, logs or clean wood that includes but is not limited to plastic products, Styrofoam, fiberglass, recycling wire (burned to access metal), tires, painted/varnished wood, clothing, furniture, mattresses, boxes, papers, and kudzu vines.
- (e) Logs mean pieces of wood cut from trees that are dried and clean of soil so as not to produce large amounts of smoke when burning.

- (f) Outdoor burning means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.
- (g) Recreational fire means an outdoor fire in which only logs or clean wood are being burned where the fuel is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes, and which is not used to dispose of ~~refuse~~ garbage or yard waste.
- ~~(h) Refuse means any material other than charcoal, logs or clean wood.~~
- ~~(i)~~ (h) Yard waste (small) means limited yard debris: leaves, pine straw, and dry brush/limbs no more than 6 inches in diameter that have fallen or been cut from growth on one's own property.
- ~~(i)~~ (i) Yard waste (large) means limited yard debris: leaves, pine straw, and dry brush/ limbs/logs no more than 12 inches in diameter that have fallen or been cut from growth on one's own property.

Sec. 54-113. Exceptions to outdoor burning restrictions.

Restrictions on outdoor burning do not apply to the following:

- (a) Grilling or cooking using charcoal, wood, propane or natural gas.
- (b) Burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation, unless ~~"refuse"~~ garbage is being burned.
- (c) Burning in a chimenea, fire bowl or other similar device or outdoor fireplace, unless ~~"refuse"~~ garbage is being burned.
- (d) The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction, or maintenance activities (asphalt kettles, road flares, smudge pots, etc.).
- (e) Incinerators installed in accordance with all state and local codes.
- (f) Fire department practice burns that comply with all state and local codes.

Sec. 54-114. Burning prohibitions.

- (a) Burning of petroleum-based products, such as tires, plastics, and roof shingles, which produce black smoke, is prohibited.
- (b) Burning of garbage of any kind is prohibited.
- (c) Burning of any material in a barrel is prohibited.
- (d) No burning is allowed on windy days (10 mph sustained or higher) or on days when the atmospheric conditions (cloudy, overcast, or raining) would cause the smoke to remain low to the ground.
- (e) The Fire Chief shall be authorized to ban any or all forms of outdoor burning when atmospheric or local conditions make outdoor fires hazardous.
- (f) The Fire Chief shall be authorized to require the extinguishment of any fire if it adversely interferes with the enjoyment of life, use of property.
- (g) The Fire Chief shall be authorized to ban outdoor burning in a limited geographical area upon receipt of medical documentation from a resident that the resident has a medical condition(s) adversely affected by smoke.

Sec. 54-115. Exceptions to burning prohibitions.

The Fire Chief may issue an open burning permit when special circumstances warrant exceptions to prohibitions against burning. Special circumstances would include:

- (a) Carrying out recognized agricultural procedures necessary for production or harvesting of crops;
- (b) Disposal of vegetative debris from storm damage; and-
- (c) Any other special circumstances as determined by the Fire Chief.

Sec. 54-116. Safeguards and limitations for outdoor burning

- (a) Recreational Fires. Recreational fires shall not be ~~conducted~~ located within 25 feet of a structure or other combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be

eliminated prior to ignition. Burning is allowed between 10:00 a.m. and 10:30 p.m.

- (b) ~~Yard waste~~ (small). When burning small yard waste, the fire pile shall not be larger than 6' X 6' and ~~shall not be not conducted~~ located within 50 feet of a structure or other combustible material. Conditions which could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition. Burning is allowed between 10:00 am ~~to~~ and one hour before sunset, October 1 through April 30.
- (c) Any type of outdoor burning referenced in this article must be attended by an adult who must be watching the fire at all times. A water hose that can reach the fire or fire extinguisher must be on hand and ready for use if needed to limit or extinguish the fire.
- (d) When extinguishing an outdoor fire, no smoldering or hot coals shall remain.

#### Sec. 54-117. Outdoor burning requiring a permit.

No person shall start or maintain any outdoor burning listed in this section without first obtaining a permit issued by Cobb County Fire and Emergency Services:

- (a) Bonfire. A bonfire shall not be ~~conducted~~ located within a minimum of 50 feet of a structure or other combustible material, and shall be a minimum of 100 feet from property lines. Conditions which could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition. Distances may be increased by the Fire Chief depending on the size of the bonfire. Burning is allowed between 10:00 a.m. and 10:30 p.m.
- (b) Yard waste (large). The following conditions shall govern the open burning of a large yard waste fire:
  - (1) Burning is allowed between 10:00 am to one hour before sunset, October 1 through April 30.
  - (2) The fire pile shall not be larger than 12' X 12' and shall not be located within 100 feet of any property line or structure owned by the property owner performing the burn.
  - (3) There shall be a 50 foot clear area around the fire area, clear of combustible materials.
  - (4) The fire shall not be located within 300 feet of a structure that is not owned by the property owner performing the burn.
  - (5) No stumps or root balls shall be burned.

- (6) The fire must be completely extinguished, using water, covering with dirt or using another acceptable method.

(c) Open Burning for Purposes of Land Clearing. The following conditions shall govern open burning for the purposes of land clearing:

- (1) Open burning for the purpose of land clearing is permitted from October 1 through April 30.
- (2) After the site is prepared, the owner shall contact 770-528-8315 to schedule a site inspection and obtain a permit prior to any burning.
- (3) An air curtain destructor, which is constructed, installed, and operating in a manner consistent with good air pollution control practices for minimizing emissions of fly ash and smoke, is required for open burning for the purposes of land clearing. See Figures 1-5.
- (4) The location of the air curtain destructor shall be at least 300 feet from any occupied structure or public road. An air curtain destructor used solely for utility clearing or road clearing may be located at a lesser distance upon approval of the Fire Chief.
- (5) No more than one air curtain destructor shall be operated within a ten (10) acre area at one time, unless there is a minimum of 1,000 feet between any two air curtain destructors.
- (6) A pit shall be excavated to the following dimensions: 8-feet wide X 12-15 feet deep X 15-30 feet long (the length is dependent upon the length of the ACD manifold). See Figures 1 and 2: In no case shall the 8-foot width be exceeded. The pit must be excavated so as to have at least three vertical sides in soil capable of maintaining vertical walls 15 feet in depth without failure. Walls shall not be undercut during excavation. If a front end loader is used for the excavation, the end of the pit used for ingress and egress, as well as the ramp, shall be filled with dirt prior to the start of the burn. Any accumulation of water in the pit shall be removed prior to loading the pit.
- (7) The manifold shall be placed and properly supported on a berm of soil (1 to 1 ½ feet high), and the space between the manifold and ground shall be sealed. See Figures 1 and 2. The manifold shall be positioned to direct the air curtain at an imaginary line 24 and 36 inches below the top of the opposite wall.
- (8) A "stop guide" or restraint shall be provided at the loading site of the pit to keep the loader from getting too close to the pit during operation. See Figures 3 and 5. If spalling, or "cave off" of the pit walls occurs during operation, a new pit shall be constructed and the existing pit filled with soil.
- (9) Burning shall occur in the pit, with the pit initially being loaded half full. Only wood waste consisting of trees, logs, large brush and stumps which are relatively free of soil shall be burned. Leaves,

sawdust, other densely packed wood wastes, paper, and chemically treated, coated, or impregnated wood shall not be burned.

- (10) In igniting the wood, up to ½ gallon of fuel oil may be utilized. Tires or other rubber products, plastic, heavy oils, highly volatile solvents such as mineral spirits or gasoline, and asphaltic-based or impregnated materials shall not be used for ignition or to maintain the operation of the air curtain destructor.
- (11) The fire must be at full intensity prior to intermittent charging. With respect to intermittent charging, the pit shall not be overloaded, so as to protrude above the air curtain.
- (12) Ash shall be removed to maintain efficient and proper combustion, and shall not be allowed to build up in the pit to higher than one-third of the pit's depth or to the point that ash impedes combustion and is blown out of the pit, whichever occurs first.
- (13) The cleaning out of the air curtain destructor pit shall be performed in a manner to prevent fugitive dust; and
- (14) The air curtain destructor shall not be fired before 10:00 a.m., and the fire must be completely extinguished, using water, covering with dirt or using another acceptable method, at least one hour before sunset.
- (15) No open burning for the purposes of land clearing is allowed at night, on weekends, or on holidays.

(d) Any type of outdoor burning referenced in this article must be attended by an adult who must be watching the fire at all times. An appropriate means for containing and/or extinguishing the fire shall be provided.

(e) When extinguishing an outdoor fire, no smoldering or hot coals shall remain unless otherwise permitted in this code.

#### Sec. 54-118. Penalties.

- (a) The following shall be assessed to individuals in violation of Sec. 54-113, 54-114, including the violation of any total burn ban enacted by the Fire Chief, 54-115 or in violation of Sec. 54-116:
  - (1) First violation. For the first violation, a written warning shall be issued, and the individual shall be advised of corrective measures to maintain compliance with this article.
  - (2) Second violation. For a second violation, including a second violation issued for the failure to take corrective measures after a first violation, a summons shall be issued and fine of ~~\$50.00~~ \$100.00 assessed.

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- (3) Third violation. For a third violation, including a violation issued for the failure to rectify the situation warranting a prior violation, a summons shall be issued and fine of \$250.00 assessed.
  - (4) Fourth violation. For a fourth violation, including a violation issued for the failure to rectify the situation warranting a prior violation, a summons shall be issued and fine of \$500.00 assessed.
  - (5) Fifth and any subsequent violations. For a fifth violation and any subsequent violations, including for the failure to rectify the situation warranting a prior violation, a summons shall be issued and fine of \$1,000.00 assessed and/or six months in jail.
- (b) The following shall be assessed to individuals who do not obtain required permits or who engage in permitted burning in violation of Sec. 54-117:
- (1) First violation. For the first violation, a summons shall be issued and fine of \$500.00 assessed.
  - (2) Second violation. For a second violation, a summons shall be issued and a fine of \$1,000.00 assessed.
  - (3) Third and any subsequent violations. For a third violation and any subsequent violations, a summons shall be issued and a fine of \$1,000.00 assessed and/or six months in jail.



Sec. 66-96. Appeals.

Any person adversely affected by any determination made by the commission relative to the issuance or denial of a certificate of appropriateness may appeal such determination to the board of commissioners. The appeal must be applied for within 15 days after notification is sent. The county may approve, modify or reject the determination made by the commission if the board of commissioners finds that the commission abused its discretion in reaching its decision. Appeals from decisions of the board of commissioners made pursuant to the state historic preservation act may be taken to the superior court of the county, in the manner provided by law.

(Ord. of 8-28-84, § 4; Code 1977, § 3-21-24(p))

Secs. 66-~~97~~99--66-115. Reserved.

Sec. 66-97. Court action or proceedings to prevent improper changes or illegal acts or conduct

The county governing body or historic preservation commission shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any illegal act or conduct with respect to such historic property or historic district and to prevent material change in the appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of an ordinance adopted in conformity with this article.

Sec. 66-98 Violation of this article; penalties

Violations of any ordinance adopted in conformity with this article shall be punished in the same manner as provided by Chapter 1, Section 1-10 of the Cobb County Code or local law for the punishment of violations of other validly enacted county ordinances.

Sec. 78-81. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Charitable organization.** Any benevolent, philanthropic, patriotic, or eleemosynary (of, relating to, or supported by charity or alms) corporation, partnership, limited liability company, association, joint-stock company, trust, unincorporated organization or individual who solicits or obtains contributions solicited from the general public, any part of which contributions is used for charitable purposes.

**Charitable purpose.** Any charitable, benevolent, philanthropic, patriotic, or eleemosynary purpose for religion, health, education, social welfare, arts and humanities, environment, civic or public interest.

**Door-to-door salesperson.** Any person who shall solicit orders on behalf of a firm, corporation, company, association, partnership or individual of any goods, wares or merchandise, or other things of value from house to house shall be deemed a door-to-door salesperson. Any person who obtains orders for merchandise or other things of value shall be deemed a door-to-door salesperson. Excluded from this definition are persons who solicit orders for goods, wares or merchandise, or other things of value from house to house for charitable organizations or purposes or on behalf of religious organizations, political organizations and political candidates.

**Peddler.** Any person who sells or solicits for sale in the unincorporated area of the county any new or used goods, wares, merchandise, produce, service or other things of value ~~and goes about from place to place~~ any location within the county that does not possess a certificate of occupancy, selling or offering for sale any of such things to either merchants or customers shall be deemed a peddler. Excluded from this definition are persons who sell or solicit for sale goods, wares or merchandise, or other things of value from house to house for charitable organizations or purposes or on behalf of religious organizations, political organizations and political candidates.

**Vehicle.** Motorized conveyance fully functioning and moving under its own power with valid vehicle tag, and registered in the name of the owner of the business. A vehicle shall not include a trailer or anything pulled by the vehicle. Vehicles shall not be in excess of 20 feet in length, ten feet in width, and eight feet in height.

(Ord. of 10-25-94; Code 1977, § 3-7-70; Ord. of 1-23-01; Ord. of 9-10-02; Ord. of 7-8-03)

Cross references: Definitions generally, § 1-2.

Sec. 78-82. Peddler's license.

Every peddler shall be required to obtain a license. All licenses to peddle shall be paid for at the price fixed in the fee schedule as provided for in article II of this chapter, or otherwise.

(Ord. of 10-25-94; Code 1977, § 3-7-71)

Sec. 78-83. Conduct of business by peddlers.

(a) Permit required. No trader or peddler shall offer for sale any goods, wares or merchandise in the unincorporated areas of the county without first obtaining a permit from the license bureau of the county.

(b) Location. Peddlers shall park the vehicle associated with the business on asphalt or concrete out of the right-of-way and conduct business only in locations zoned general commercial and in accordance with Section 134-267 of the Cobb County Code.

(c) Merchandise to be kept on vehicle; business license and permission from property owner required. Peddlers shall maintain all merchandise on a vehicle, and the peddler's business license shall be void if the peddler does not have in his possession at the location a business license and written notarized affidavit from the property owner authorizing the peddler to be engaged in business at the property owner's location.

(d) All vehicles must be removed from the peddler's location each day.

(e) No tents, tables, boxes, chairs, or any accessory to the business shall be allowed. Anything associated with the business, with exception of personnel, that is not on the vehicle shall be in violation of this division.

(f) Only one sign permitted by the code enforcement division is allowed and shall meet the limits provided in the zoning ordinance and sign ordinance, and shall be on the vehicle.

(g) Any violation of this division by any owner, licensee of the peddler business or any employee of the peddler within the past twelve months shall be cause for denial of the peddler's permit.

(h) All vehicles shall be brought to the county business license division and approved by the business license supervisor or his designee prior to the approval of the permit. Only an approved vehicle may be used and in the event the peddler desires to use a substitute vehicle, the substitute vehicle must be approved by the business license division.

(i) Only one vehicle is allowed for each location.

(j) Violations. Any violations of the provisions in this section pertaining to peddlers shall subject the license to revocation.

(Ord. of 10-25-94; Code 1977, § 3-7-72; Ord. of 7-8-03)

Sec. 78-441. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Flea market means any business whereby there is operated a center for shopping among collected flea market vendors marketing merchandise to the public from booths, stalls, tables, benches, individual rooms or display areas, and similar display and marketing configurations and arrangements for the sale of new and used merchandise. Flea markets shall not include developed and operating shopping centers as defined in 134-1, antique stores, jewelry stores, coin shops, salvage operations, clothing stores or special sales events as accessory uses not to exceed 14 days, or other businesses of merchandise in common with flea markets where the vendor therein is not operating among a collection of vendors or renting or securing individual space within an overall operation.

Flea market promoter, operator or owner means all persons, firms, corporations, partnerships or other forms of business entities operating, maintaining, managing and promoting flea markets.

Vendor and flea market vendor mean all persons, individuals, firms, corporations, partnerships or other forms of business entities of every type and character operating among collections of other flea market vendors for sales to the public of new and used merchandise in collected marketing centers for sales from stalls, booths, tables, benches, rooms and other similar displays or marketing configurations and arrangements, excluding those operations under the definition of "flea market" in this section.

(Ord. of 10-25-94; Code 1977, § 3-7-204)

Cross references: Definitions generally, § 1-2.

Sec. 90-53. Alcoholic beverages.

No alcoholic beverages shall be sold, possessed or consumed by any person upon the premises of any county park, except at the Mable House Barnes Amphitheatre as provided in Section 6-6(a)(3) and at a closed function as defined in chapter 6 of this Code and only at the locations specified in such section.

(Res. of 8-8-72, § 2; Ord. of 9-25-90; Code 1977, § 3-19-2)

Cross references: Alcoholic beverages, ch. 6.

Sec. 106-111. Petition for creation of district.

(a) Any lot owner in any unincorporated area of the county may present a request for the creation of a sidewalk district to the director. Upon receipt of the request, the director shall determine the appropriate boundaries for a sidewalk district which will serve the lot owner presenting the request and neighboring lot owners. The director shall then prepare a plat showing the proposed sidewalk district. A district can only be established where there is an existing subdivision or neighborhood on streets or roads that have been accepted by the county for perpetual maintenance.

(b) In residential areas, the sidewalk district shall be established by the director to encompass all residential and/or commercial property, including condominiums, on both sides of the street directly fronting and adjoining the proposed sidewalk construction. On thoroughfares, commercial and industrial, the sidewalk district boundary shall be established by the director to encompass all residential and/or commercial property, including that property within residential subdivisions and condominiums on both sides of the thoroughfare. ~~adjoining or within one-quarter mile walking distance along a public or private roadway of the proposed sidewalk construction.~~

(c) Sidewalk construction must begin and end at existing sidewalks or public road intersections, or immediately across from public road intersections, but may extend past a public road intersection to complete the frontage and adjoining the proposed sidewalk construction.

(d) When the boundaries for the proposed sidewalk district are determined, a petition, a plat outlining the proposed district, and an estimate of the total project cost and, if applicable, pro rata cost per property owner for the creation of the proposed sidewalk district shall then be circulated among the lot owners in the proposed district. That petition shall provide space for the lot owners in the proposed district to sign, showing whether it is their preference that the proposed district be created. Once a petition has been returned to the director, there shall be no changes in the preferences recorded thereon, and the petition shall clearly state the same. If 75 percent of the lot owners in this proposed district have approved its creation, there will be no public hearing on the creation of this district unless a request for a public hearing is made in writing to the director by a date not later than the tenth day before the next commission meeting. If such a hearing is requested, the person requesting that hearing shall be notified of the date and time of the hearing; and a legal advertisement announcing the public hearing shall be published once in the official legal organ of the county. At any such hearing, the board of commissioners shall determine whether or not to create the proposed sidewalk district. Safety and economic factors shall be the prime consideration in making such determination. If there is no request for a hearing or if 100 percent of the lot owners have signed the petition, the sidewalk district shall be created, upon approval of the board of commissioners.

(e) The petition for creation of the proposed sidewalk district must be returned to the director within 90 days after it is obtained from his office; however, the director may, in his discretion, for good cause shown, extend the time for the return of the petition an additional 30 days, for a total of 120 days, when a request for such extension is made to the director before the expiration of the original 90-day period.

(f) Where the initial petition is mailed by the department of transportation to the lot owner requesting the sidewalk district, an additional three days shall be added to allow time for mailing. If the completed petition is returned to the department of transportation by mail, to be timely, the envelope must be postmarked indicating that it was mailed on or before the due date. In those cases where the due date falls on a weekend or legal holiday, the due date shall be the end of the next business day. Envelopes post marked after the due date shall not be considered.

(g) ~~(f)~~ County participation. The department shall be responsible for the design, estimates, contracting, maintenance and inspection for sidewalk construction funded by the sidewalk district.

(h) ~~(g)~~ Within 60 days of the approval of the petition by the board of commissioners, the department shall send by certified mail, return receipt requested, a good faith estimate of the individual assessment to each property owner or to the community association if an association has elected to fund the sidewalks collectively.

(Ord. of 5-23-89, § 5; Ord. of 6-25-91, § 5; Code 1977, § 3-23-83)

Sec. 106-112. Funding.

Option One – County Financing.

(a) Each property owner within the sidewalk district shall be assessed a share of the cost to be funded by the district, which cost shall be added to the ad valorem property taxes for each owner as provided in this section.

(b) Each property owner's share of the cost shall be determined as follows: The total cost of the project shall be calculated by the county, and the figure so derived shall be known as the total project cost. The county shall next determine the total number of lots within the district and divide the number of lots into the total project cost to arrive at the cost per lot.

(c) The sidewalk tax assessment shall be paid by one of two options, as follows:

(1) Payment Method Option one. The assessment may be paid in cash by the property owner within 90 days of the mailing of the assessment by the county. If paid under this option, the assessment will not bear an administrative fee and no lien shall be recorded against the property. Payment shall be paid directly to the department. If payment is not paid in full within 90 days of the county's initial billing of the assessment, then payment option two shall automatically take effect. Once option two is in effect, the payment option shall remain in effect until all assessment payments are satisfied.

(2) Payment Method Option two. The assessment shall be paid in five equal annual installments. Payment of each such assessment shall be due and payable within 60 days from the mailing by regular mail of a bill from the tax commissioner. In the event option two is selected, the cost of processing, administration, recording the lien, and satisfaction of such lien shall be added to the assessment.

(d) The property owner agrees to and shall advise any purchaser of any property within the sidewalk district of the assessment. The property owner may conduct a proration of the assessment with the purchaser. The county shall not be responsible for the proration of the assessments between sellers and purchasers nor shall the county be under any duty to notify any purchaser of the existence or liability for the assessment, it being understood that the seller shall be responsible for the assessment.

(e) If the assessment is not paid when due, the assessment shall be collected in the same manner as delinquent ad valorem taxes and shall be subject to the same interest and penalties.

(f) The assessment shall constitute a lien against the property and shall be recorded by the tax commissioner in the lien records of the clerk of the county superior court.

(g) The fee for processing and administration of this option shall be established by the tax commissioner and approved by the board of commissioners.

#### Option Two – Community Financing.

(a) The total cost of the project shall be calculated by the county, and the figure so derived shall be known as the total project cost. The community requesting installation of sidewalks shall commit, as part of the petition, to raising the total project cost of the sidewalk project. The method in which said funds are raised will be determined by the community independent of County involvement.

(b) All funds must be remitted by the County within six months of returning a valid sidewalk petition. If funds are not submitted by the deadline, the County will take no action on the petition.

(Ord. of 5-23-89, § 6; Ord. of 6-25-91, § 6; Code 1977, § 3-23-84)

#### Sec. 106-113. Special districts.

In areas where special conditions as to safety, security, land topography, economical and other factors may be involved, the board of commissioners may create special sidewalk districts and provide for special sidewalk construction under such terms and conditions as may be determined by the board of commissioners, any other provisions of this article to the contrary notwithstanding; however, in such instances, a public hearing shall be held by the board of commissioners after advertisement in the official organ of the county one time at least ten days before conducting such public hearing.

(Ord. of 5-23-89, § 7; Ord. of 6-25-91, § 7; Code 1977, § 3-23-85)



Secs. 106-114--106-135. Reserved.

Sec. 110-86. Private streets.

Every subdivided property shall be served from a dedicated public street which shall have been constructed to county specifications and/or shall be maintained by county forces. Any private street that is platted in a subdivision or other residential project, as approved by the board of commissioners, must be noted as such on the plat. All private streets shall be indicated with a blue, post mounted street sign consistent with county street sign standards.  
(Ord. of 9-24-74, art. V(5.6.11); Ord. of 9-10-02)

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ARTICLE III. SUBDIVISION DESIGN STANDARDS AND REQUIRED IMPROVEMENTS\*

Sec. 110-61. Easements.

(a) ...

(b) Permanent sanitary sewer easements of 20 feet in width shall be provided for necessary lines.

(c) ~~Buildings shall not be located nearer than ten feet from the edge of any permanent sanitary sewer easement without approval from the engineering department.~~ No permanent structures shall be constructed within ten feet of the edge of a permanent water or sanitary sewer easement on front and rear setbacks, or within two feet on side setbacks. The water system director may grant a variance to this requirement provided that it can be demonstrated to his or her reasonable satisfaction that such structure will not impede future installation or maintenance within said easement.

(d) ...

(Ord. of 9-24-74, art. V(5.5))

Sec. 110-119. Easements.

(a) ...

(b) Permanent sanitary sewer easements of 20 feet in width shall be provided for necessary lines.

~~(c) Buildings shall not be located nearer than ten feet from the edge of any permanent sanitary sewer easement without approval from the engineering department.~~ No permanent structures shall be constructed within ten feet of the edge of a permanent water or sanitary sewer easement on front and rear setbacks, or within two feet on side setbacks. The water system director may grant a variance to this requirement provided that it can be demonstrated to his or her reasonable satisfaction that such structure will not impede future installation or maintenance within said easement.

(d) ...

(Ord. of 9-24-74, art. IX(9.3))

Sec. 114-56. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

County means the unincorporated area of Cobb County, Georgia.

Guestroom means a room occupied, or intended, arranged or designed for occupancy, by one or more occupants.

Hotel includes any hotel, inn, lodge, tourist camp, tourist cabin or any other place in which rooms, lodgings or accommodations are regularly furnished for value.

Innkeeper. See "operator."

Occupancy means the use or possession, or the right to the use of or possession, of any room or apartment in a hotel or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room.

Occupant means any person who, for a consideration, uses, possesses, or has the right to use or possess any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

Operator means any person operating a hotel in the county, including but not limited to the owner or proprietor of such premises, independent contractor, lessee, sublessee, manager, management company, mortgagee in possession, licensee or any other person otherwise operating such hotel.

Permanent resident means any occupant as of a given date who has or shall have occupied, or has or shall have the right of occupancy, of any guestroom in a hotel for at least ~~ten~~ thirty consecutive days next preceding such date.

Person means an individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or other group or combination acting as a unit, excepting the United States of America, the state, and any political subdivision of either thereof upon which the county is without authority to impose the tax provided in this article.

Rent means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also the amount for which credit is allowed by the operator to the occupant, without any deduction therefrom whatsoever.

Return means any return filed or required to be filed as provided in this article.

Supervisor means the business license division manager, or any office of the county which may in the future be designated as the administrative entity to collect the hotel/motel occupancy tax.

Tax means the tax imposed by this article.

(Res. of 2-8-77, § 1; Ord. of 10-24-89, § III; Code 1977, § 3-15.1-1; Ord. of 7-10-01)

Cross references: Definitions generally, § 1-2.

## ARTICLE II. WATER AND WASTEWATER SYSTEMS

### DIVISION 2. ENFORCEMENT

Sec. 122-47. Termination of service; lien created by nonpayment of amounts due; interest on amounts due.

In order to enforce the operation of this article, the county shall have the power and authority to enter upon the property of any user who has violated any provision of this article following due notice of the violation, as provided in section 122-42, to terminate the user's water and/or wastewater service in any manner deemed necessary and appropriate by the county. In the event of such termination under this section, the county shall retain all rights to collect unpaid bills or amounts owed by the terminated user according to law or other provisions of this article. Such rates or charges, if not paid when due, shall constitute a lien upon the premises served, though no such lien shall be imposed against the premises to secure unpaid charges for water furnished unless the owner of such real property is the person who incurred the charges. Past due amounts shall bear interest at the same rate as would unpaid ad valorem taxes. Water service shall not be refused to any single or multifamily residential property to which water has been furnished through the use of a separate water meter for each residential unit on application of the owner or new resident tenant of the premises because of the indebtedness of a prior owner, prior occupant, or prior lessee for water previously furnished to such premises.

(Ord. of 6-28-88, § 3-26-177)

Sec. 122-57. Right to enter premises, ~~permitted activities on utility easements.~~

(a) Duly authorized employees and representatives of the county and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification shall be allowed to enter all properties for the purpose of inspection, observation, measurement, sampling, monitoring, testing and examination and copying of records pertinent to discharges to the county wastewater system in accordance with the provisions of this article. The county may, but is not required to, provide the user with prior notice of the entry.

(b) Duly authorized employees and representatives of the county bearing proper credentials and identification shall be permitted to enter all private properties through which the county holds a utility easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the water or wastewater facilities lying within such easement. ~~All entry and subsequent work, if any, on such easement shall be done in full accord with the terms of the utility easement pertaining to the private property involved.~~

(Ord. of 6-28-88, § 3-26-151)

### DIVISION 3. FEES AND CHARGES

#### Sec. 122-82. Wastewater system fees.

(a) ...

(b) Wastewater service charge for usage. There is hereby levied and assessed rates, fees and/or charges for the service, maintenance, operation and amortization of the county wastewater systems, based on the amount of water consumed per month by each customer ~~for whom wastewater service is available from the county. See the definition of "sewer availability" as set forth in subsection (c) of this section. The charges for having service available shall be as shown in the rate and fee schedule on file and available at the offices of the county clerk and the office of the director of the county water system.~~

(c) ....

(d) ...

~~(e) Fees to nonconnected customers for whom there is "sewer availability." All county water system customers for whom there is "sewer availability" as set forth in subsection 122-244(a) shall either connect to the county wastewater system as required by subsection 122-244(a) or pay the charges as indicated in subsections 122-244(a), (b) and (c) in lieu thereof, as set forth in the rate and fee schedule on file and available at the office of the county clerk and the office of the director of the county water system. The purpose of the sewer system fees required under this section is for the county to recover an equitable and fair portion of the costs of constructing sewers and providing wastewater treatment plant capacity for potential customers in various service areas where the customers may or may not desire to connect to the wastewater system. The expense of making wastewater service available to a prospective customer should be borne by the person who benefits from the sewer availability, whether or not that person elects to avail himself of the services provide by the county at the county's expense.~~

(fe) Special charges for non-domestic users. The county may adopt charges and fees relative to the non-domestic user program as necessary, to include the following:

- (1) ...
- (2) ...
- (3) ...
- (4) ...



- (5) ...
- (6) ...
- (7) ...

(g) Holding tank (including septic tank) haulers and discharges.

- (1) ...
- (2) ...

(Ord. of 6-28-88, § 3-26-22; Ord. of 1-24-06; Ord. of 2-27-07)

#### DIVISION 4. CONSTRUCTION STANDARDS

Sec. 122-111. Permit required for opening, altering or connecting to public water or wastewater facilities.

(a) No person shall obtain or utilize public water or wastewater services without written authorization of the department director or his designee.

(b) No person, other than an authorized county employee, shall uncover, make any connections to, use, alter or disturb any public water or wastewater line, or appurtenance thereto, without first obtaining ~~an approved set of plans, or a~~ written permit from the department director or his designee.

(c) All operation of water distribution system valves requires notification of the Cobb County Water System Emergency Dispatch Office prior to such operation. After operation of the valve(s) has been completed and service is restored, notification of the Emergency Dispatch Office is again required.

(d) Anyone opening, altering, or connecting to public water or wastewater facilities shall be responsible for any damage to the facilities.

(Ord. of 6-28-88, § 3-26-41; Ord. of 2-27-07)

Sec. 122-116. Elevation of wastewater connections, check prior to pouring foundation.

It shall be the obligation of the owner of the building being connected to the county wastewater system to determine the elevations, grades and alignment of sewer lines necessary to serve the building prior to the pouring of the building foundation or footings, and to design and construct the connecting sewer in accordance with the information thus obtained. Whenever possible, a building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the county wastewater system, the wastewater carried by such building drain shall be lifted ~~by an approved means into the county wastewater system~~ in accordance with subsection 122-126(b). Operation and maintenance of such a lifting system shall be the sole responsibility of the property owner.

(Ord. of 6-28-88, § 3-26-46)

Sec. 122-123. Limitation on construction of permanent structures near water or wastewater easements.

No permanent structures shall be constructed within ten feet of the edge of a permanent water or wastewater easement on front and rear setbacks, or within two feet on side setbacks. The department director may grant a variance to this requirement provided that it can be demonstrated to his or her reasonable satisfaction that such structure will not impede future installation or maintenance within said easement.

(Ord. of 6-28-88, § 3-26-53)

Sec. 122-130. Dry sewers and septic tanks.

(a) For new subdivisions ~~and nonresidential properties~~ in areas which can be connected to active sewer by gravity sewer and the county does not plan to construct additional sewers downstream of the subject property:

(1) An active sewer shall be provided to all ~~sites~~ lots smaller than 80,000 square feet.

(2) Septic tanks may be utilized on ~~sites~~ lots of at least 80,000 square feet ~~if the anticipated wastewater generation for the site is no more than one equivalent residential unit per 80,000 square feet and~~ with the approval of the health department.

(3) The county may consider development of a private developer agreement or special sewer availability area.

(b) For new subdivisions ~~and nonresidential properties~~ in areas which can be connected to active sewer by gravity sewer and the county plans to construct additional sewers downstream of the subject property:

(1) Dry sewers, constructed in accordance with the county water system policy, shall be provided to all ~~sites~~ lots smaller than 80,000 square feet which are not provided with an active sewer.

(2) In all areas where dry sewers are required by this section, septic tanks ~~shall~~ must also be provided. ~~with the approval of lot sizes and septic tank suitability~~ must be obtained from the health department.

(3) Septic tanks may be utilized on ~~sites~~ lots of at least 80,000 square feet ~~if the anticipated wastewater generation for the site is no more than one equivalent residential unit per 80,000 square feet and~~ with the approval of the health department.

(4) The county may consider development of a private developer agreement or special sewer availability area.

(c) For new subdivisions ~~and nonresidential properties~~ in areas which cannot be connected to active sewer by gravity and the county does not plan to construct additional sewers downstream of the subject property, septic tanks may be utilized with the approval of the health department.

(d) For new nonresidential properties in areas which cannot be connected to active sewer by gravity, both the county and the health department must approve the use of septic tanks. Generally, the county will require that the property be at least 80,000 square feet and that the anticipated wastewater generation for the site is no more than one equivalent residential unit per 80,000 square feet.

(~~d~~e) Septic tanks shall be constructed and operated in accordance with the provisions of section 122-242.

(Ord. of 6-28-88, § 3-26-60)

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## DIVISION 5 GENERAL USE OF PUBLIC WATER AND WASTEWATER FACILITIES

### Sec. 122-153. Wastewater system.

#### (a) Toilets required.

(1) No person shall dispose of human excrement except in a toilet. All toilets shall either be connected to the county wastewater system or to an approved private wastewater disposal facility that complies with the provisions of division 8 of this article.

(2) The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the county jurisdiction, and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the county is hereby required at the owner's expense to install suitable toilet facilities therein. All toilet facilities shall be kept clean and in a sanitary working condition. Flush toilets shall be provided at all times with sufficient running water under pressure to flush the toilet clean after each use.

#### (b) Connection to county wastewater system.

(1) All sinks, dishwashing machines, toilets, urinals, basins, shower baths, bathtubs, laundry tubs, washing machines and similar plumbing fixtures or appliances shall be connected to the county wastewater system when there is sewer availability, defined as follows:

a. Sewer shall be considered available to a single-family residence when the main, ground level floor of the structure can be connected by gravity flow to a sanitary sewer line in any public right-of-way or easement which borders, touches or crosses the property at any point.

b. Sewer shall be considered available to a multifamily, commercial, institutional or industrial property when it can be connected to active sewer by gravity sewer.

c. Exceptions.

1. Septic tanks shall be allowed on residential lot sizes of at least 80,000 square feet, provided the provisions of sections 122-130 and 122-242 are met.

2. A property utilizing a septic tank prior to sewer being available may remain on septic tank as long as the system is functioning properly.

3. Approved gray water systems. Sec. 18-157.

(2) Devices used to move sewage from the building to the county wastewater system are the responsibility of the owner and will not be repaired or maintained by the county.

(3) Property owners are responsible for construction and maintenance of the service line from the premises served to the point of connection with the county service lateral.

(4) Requirements for new subdivisions to connect to the county wastewater system are defined in Sec. 122-130.

(c) Conditions for use of private wastewater disposal facilities. See Division 8.

(bd) Discharge of polluted waters to a storm sewer or natural outlet prohibited.

(1) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the county or into any storm sewer or any sewer which connects to the storm sewer system of the county any polluted water or wastewater.

(2) It shall be unlawful to discharge to any natural outlet within the county any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this article. No provision of this article shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable state and federal regulations governing such discharge.

(ee) Discharge of grease trap contents into county wastewater system prohibited. The discharge of the materials collected from grease traps



into the county wastewater system is prohibited. See also subsection 122-188(e).

(df) Requirement to mitigate infiltration/inflow. It shall be the obligation of all users of the county wastewater system to reduce to the extent reasonably possible all infiltration and inflow. Infiltration and inflow shall be reduced by using watertight pipe and construction materials in all private portions of the sewer system, as well as those sewer systems which are to be deeded to the county.

(eg) Prohibited discharges. The prohibited discharges set forth in section 122-181 are incorporated in this section by reference.

(fh) Connection of private water system users prohibited. No premises which utilize a private water system shall be allowed to connect to the county wastewater system.

(Ord. of 6-28-88, § 3-26-83)

Sec. 122-155 Permanent easement restrictions.

Permanent easements for water and wastewater facilities are for the county to install, inspect, observe, measure, sample, repair, protect, maintain and operate any portion of the water or wastewater facilities lying within such easement. It is essential that access to the easement not be obstructed. Although the property owner owns the underlying fee simple title to the land within the easement area subject to the easement rights, all construction, digging, grubbing, clearing, filling, or other earth moving or construction activities by the owner in the permanent easement area are prohibited without prior permission from the department director or his or her representative. Permanent structures shall not be permitted within the easement or easement setback as defined in Sec. 122-123. In addition, non-structural improvements on easements such as walkways and landscaping are subject to removal at the owner's risk. The county shall not be responsible for replacing anything within the easement that must be removed to access, protect, repair, or maintain the facilities.

## DIVISION 6. NONDOMESTIC USE OF PUBLIC WASTEWATER FACILITIES

### Sec. 122-188.1. Food service and food preparation recovery systems.

(b) General. Users that generate or use grease, fats or oil, or any combination thereof, and discharge water to a county wastewater reclamation facility shall be required to install, operate, clean and maintain a grease recovery system of appropriate size and design to achieve compliance with requirements set forth under this section. Users with grease recovery devices which were in existence prior to 1/01/01 may continue to operate with such devices until such time as there is a change of owner or operator, expansion of the establishment, change from a fast food to full service establishment, or they receive official notice from CCWS.

(c) Administration.....

(d) Grease recovery systems.

(1)...

(2)...

(3)...

(4) Dumpsters/dumpster pads. Dumpsters/dumpster pads may be allowed to connect to the wastewater collection system under the following conditions:

a. The dumpster/dumpster pad is covered and constructed in such a manner so as to protect the drainage connection from storm water runoff; and

b. The drain is connected to an exterior grease trap ~~of at least 750 gallons~~ which will be maintained by the user in the method prescribed by this section for other exterior grease traps. The trap shall be at least 750 gallons where restaurants or food preparation establishments are the users or in the vicinity. The trap shall be at least 300 gallons for offices, retail and other non-food preparation users.

(5) Passive exterior device (PED) requirements.

a. Each PED design, including size, type and location shall be reviewed and approved by the ~~e~~Engineering and ~~r~~Records ~~d~~Division of the CCWS in substantial conformity to a grease trap detail approved and amended from time to time by CCWS. PEDs shall

1. Be sized and engineered based upon the anticipated load and/or conditions of actual use.
2. Shall be constructed of sound durable material, not subject to excessive corrosion or decay, and shall be water and gas tight if PEDs of pre-cast or poured in place concrete.
3. Be traffic-worthy with at least one manhole opening and one clean-out port or manhole over the discharge T-valve.
4. Contain baffles sufficient to allow a proper separation of grease from water.
5. Be a minimum of 750 gallons and a maximum of 3,000 gallons in size. (300 gallons allowed for non-food prep dumpster pads only, as noted in previous section). Multiple PEDs are allowed, configured in series where possible.

b. Passive interior devices (PIDs). There shall be no PIDs installed in any user's premises upon the effective date of this article.

c. Sizing. All grease traps shall have a capacity and design in compliance with the following equations:

1. Restaurants

$$(S) \times (20) \times (Hr/12) \times (LF) = \text{capacity in gallons}$$

S = number of seats in dining/bar area

Hr = number of hours open

LF = loading factor:

1.25 interstate highways

1.00 other freeways, shopping centers,  
recreational areas

0.8 main highways

~~0.5 other roads or highways (eliminates 1.00  
for recreational areas)~~

2. ..

(6) Active interior recovery device requirements.

a. AIRDs may be allowed in lieu of PEDs in accordance with the following conditions:

~~1. The method of food preparation involves and/or  
creates little or no discharge of grease; or~~

1. A technically logistical reason exists as to why an exterior grease trap cannot be installed (i.e., conflicts with existing utilities, elevation disparities or location on a second floor).

2. The installation or use of all grease recovery devices must be approved by the Engineering and Records Division of the CCWS.

b. Location. Grease recovery devices shall receive all grease-laden waste discharge from the major point sources. A floor drain shall not be considered a major point source.

c. Sizing. Grease recovery devices shall be sized based upon the anticipated load and/or conditions of actual use and the manufacturer's recommendation.

(e) Alternative methods...

Sec. 122-190. Procedure for uses to establish retainage for credit against wastewater service charges.

Any industrial, commercial or institutional user of the county wastewater system will not be required to pay wastewater service charges for metered water which the customer does not return to the sewer, provided the following conditions are met:

(1) The user must have a retainage analysis conducted twice per year by an independent ~~county~~ engineering firm, which shall be ~~selected~~ approved by the ~~county~~ water system. The retainage analysis shall provide a value of retainage which will be a longterm average of the percentage of water used which is not returned to the sewer.

(2)...

(3)...

(4) The ~~county~~ water system may elect, at its sole discretion, to waive one of the two annual retainage analyses.

(5)...

(Ord. of 6-28-88, § 3-26-101)

## DIVISION 8. PRIVATE WASTEWATER DISPOSAL FACILITIES

Sec. 122-241. Conditions for acceptable construction and use of private wastewater disposal facilities.

(a) No private wastewater disposal facilities which discharge to the surface shall be allowed in the county, except preexisting, properly operating facilities which have valid NPDES permits issued by the state environmental protection division or the federal EPA.

(b) No private wastewater disposal facilities with subsurface discharge (except as provided in section 122-242) shall be allowed in the county except as follows:

(1) The proposed development cannot be ~~reasonably served by existing county wastewater facilities~~ connected to active sewer by gravity;

(2) The facilities serve a single property or enterprise or, if serving multiple properties or enterprises, all such properties or enterprises are owned by a single entity; and

(3) The facilities are permitted by and operated in conformance with requirements of either the county board of health or the state environmental protection division as appropriate.

(Ord. of 6-28-88, § 3-26-131; Ord. of 2-27-07)

Sec. 122-242. Conditions for acceptable construction and use of septic tanks.

(a) Domestic wastewater only. The treatment of any wastewater other than domestic wastewater or other such wastewater which is readily treatable by anaerobic decomposition in septic tanks is prohibited.

(b) Sewer not available. No person shall construct a septic tank where the county wastewater facilities are available as set forth in subsection ~~122-244~~ 122-153 (b).

(c) New subdivisions and nonresidential properties. See Sec. 122-130

(~~e~~) County approval and health department permit required. No person shall construct, repair, alter or enlarge a septic tank unless he receives prior approval from the department director and shall hold a valid permit for such work issued by the county health department. The department director shall have the right to request and receive for his approval plans and specifications for any nonresidential septic tank systems or septic tank systems serving multifamily dwellings.

(~~e~~) Specifications for septic tank systems. The specifications for all septic tank systems constructed in the county shall conform to the Rules and Regulations of the ~~Department~~ Division of Public Health for ~~Individual Sewage Disposal~~ On-Site Sewage Management Systems, chapters ~~270-5-25-.04~~ 290-5-26-.05 through ~~270-5-25-.07~~ 290-5-26-.07.

(~~e~~) Lot size must be at least 21,780 square feet if served by public water supply and at least 43,560 square feet if served by private water supply. ~~No septic tank system shall be allowed where the area of soils suitable for on-site sewage disposal is less than 21,780 square feet. Lot size refers to the area of soils suitable for on-site sewage disposal.~~

(~~f~~) Discharge to surface not allowed. No septic tank shall be allowed to discharge to the surface or to any natural outlet.

(~~g~~) Health menace not allowed. No septic tank that creates or will be likely to create a menace to public health shall be allowed.

(~~h~~) Septic tank serving multiple units not allowed. Only one residential unit or commercial building per septic tank system is allowed.

(~~i~~) Dry sewer installation. Dry sewers shall be installed with septic tanks as provided in section 122-130.



(j) Street address required. A street address must be obtained from the county development control prior to the issuance of a ~~septic tank system approval~~ sewer non-availability letter by the water system.

(Ord. of 6-28-88, § 3-26-132; Ord. of 2-27-07)

~~Sec. 122-244. Connection of private system to the county wastewater system.~~

~~Connection to an available sewer is required as follows:~~

~~(1) All sinks, dishwashing machines, lavatories, basins, shower baths, bathtubs, laundry tubs, washing machines and similar plumbing fixtures or appliances shall be connected to the county wastewater system when there is sewer availability, defined as follows:~~

~~a. Sewerage shall be considered available to an existing single-family residence when the main, ground level floor of the structure can be connected by gravity flow to a sanitary sewer line in any public right-of-way or easement which borders, touches or crosses the property at any point.~~

~~b. Sewerage shall be considered available to an existing multifamily, commercial, institutional or industrial structure when sewage service is provided in the drainage basin within which the structure is located.~~

~~c. However, septic tanks shall be allowed on lot sizes of R-80 and larger, provided the provisions of sections 122-130 and 122-242 are met.~~

~~(2) Devices used to move sewage from the building to the county wastewater system are the responsibility of the owner and will not be repaired or maintained by the county.~~

~~(3) Property owners are responsible for construction and maintenance of the service line from the premises served to the point of connection with the county service lateral.~~

~~(Ord. of 6-28-88, § 3-26-134; Ord. of 2-27-07)~~

## DIVISION 9. OUTDOOR WATER USE RESTRICTIONS

### 122-267 Rain Sensor Requirement for Landscape Irrigation Systems

(a) As used in this section, the term "rain sensor shut-off switch" means an electric device that detects and measures rainfall amounts and overrides the cycle of an irrigation system so as to turn off such system when a predetermined amount of rain has fallen.

(b) No person shall install any landscape irrigation system equipped with an electronic controller that does not have a rain sensor shut-off switch.

(1) This requirement shall not apply to either landscape irrigation systems installed on golf courses, or any system dependent upon a non-public water source.

(2) Any person who installs a landscape irrigation system equipped with an electronic controller in violation of this Code section shall be subject to a fine not exceeding \$100.00 per violation.

Sec. 134-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building or structure means a building or structure subordinate to the principal use or building on a lot or property and serving a purpose customarily incidental to the use of the principal building, provided any such structure or building is built with or after the construction of the principal building. Where an accessory building or structure is attached to the principal building in a substantial manner, as by an attachment built as enclosed heated floor space, such accessory building or structure shall be considered part of the principal building.

Accessory retail uses means retail sales and services accessory to the operation of an office building or institutional use, motel, hotel or high-rise ~~apartment~~ residential development, conducted wholly within the building housing the use to which such activities are accessory, provided that the floorspace used or to be used for such ~~secondary~~ accessory retail uses shall be limited to a total of 25 square feet per dwelling unit in a high-rise ~~apartment~~ residential development or 25 square feet per room in a hotel or motel, or ten percent of the net floor area in an office building or institutional use, and provided that:

1. Every public entrance to such a use shall be from a lobby, hallway or other interior portion of the primary use structure;
2. No show window, advertising or display shall be visible from the exterior of the primary use structure; ~~and~~
3. No merchandise shall be stored or displayed outside of the primary use structure.
4. Accessory retail uses shall include eating and drinking establishments, barber shops, beauty shops, laundry and dry cleaning pickup establishments, news stands, florists gift shops, film developing and printing facilities, stationary stores, shoe repair shops, or convenience food stores (no fuel sales).
5. Accessory retail use square footage must be in the primary building it serves; accessory use square footages cannot be allocated to other buildings in a multi building development.

~~However, the requirements of subsections 1 and 2 of this subsection shall not apply to restaurants and cafeterias secondary to a hotel or motel and office building or institutional use; these secondary uses may be located in a structure other than the primary use structure. The following secondary uses are permitted: barbershops, beauty shops, laundry and dry cleaning pickup and distribution stations and other similar personal service establishments; drugstores; bookstores; florists; convenience food stores; gift shops; cafeterias~~

~~and restaurants; private clubs; laundry facilities for the convenience of residents; and newsstands.~~

Accessory uses means uses subordinate to the principal use or building on a lot and serving a purpose customarily incidental to the use of the principal building, provided any such use is built with or after the construction of the principal building. Such uses include garbage pads, heating and air conditioning units, Jacuzzis, tennis courts, swimming pools (private), playhouses, playgrounds and the like.

Other service establishments means businesses or locations catering to specialty services, such as an auction house or store, cabinetmaker, caterer, delivery and express service, driving school (private), fur repair and storage, gunsmith shop, locksmith shop, safe and vault repair, scientific instrument repair, taxidermist, tool sharpener and the like.

Outside storage means the storage of items other than lawn furniture or firewood that is visible from the public right of way or an adjoining owner's property line provided that the lot upon which the outside storage is located is not within a platted subdivision.

Par 3 golf course means a tract of land not less than 40 acres in size dedicated for playing an 18-hole game of golf, which is open to the general public or for private club use. The par shall not be less than 27 for nine holes or 54 for 18 holes from the men's tees as governed by the United States Golf Association. Further, the golf course shall not measure less than 1,750 yards or greater than 3,500 yards.....

Regional activity center. The purpose of the regional activity center (RAC) category is to provide for areas that can support a high intensity of development. Typical land uses in these areas include high-rise office buildings and regional malls.

Regional shopping center means a group of commercial enterprises offering a range of commercial goods and services in an aggregate of 500,000 square feet or more of net floor area which:

- (1) Are designed as a single commercial group, whether or not located on the same lot;
- (2) Are under one common ownership or management, or have one common arrangement for the maintenance of the grounds;
- (3) Are connected by party walls, partitions, covered canopies or other structural members to form one continuous structure with commercial uses with entrances that may lead to an interior corridor versus directly to the parking area;
- (4) Share a common parking area; and

(5) Otherwise present the appearance of one continuous commercial area.

.....

Shelter (homeless) means charitable, nonprofit, shortterm housing or room and board accommodations for poor, transient or needy individuals, which must meet the following minimum criteria:

- (1) Adequate showers and restroom facilities must be provided at the location to meet the needs of the overnight guests.
  - (2) Beds must be provided for all overnight guests, excluding staff and volunteer workers.
  - (3) No shelter shall be located closer than 500 feet to the nearest single-family residence.
  - (4) Guests of the shelter shall be required to leave the shelter premises no later than 7:00 a.m.
  - (5) All premises shall be maintained in a clean, safe and sanitary fashion.
  - (6) Adequate provisions for transporting and parking guests shall be submitted to and approved by the division manager of zoning or his designee.
- While not specifically a permitted use under all districts, a shelter may be located in a church facility which meets the minimum standards set out in this definition.

Shopping Center means a group of neighborhood retail or community retail uses which:

- (1) Are designed as a single commercial group, whether or not located on the same lot;
- (2) Are under one common ownership or management, or have one common arrangement for the maintenance of the grounds;
- (3) Share a common parking area; and
- (4) Each retail establishment has an entrance leading directly to the parking area as distinguished from a Regional Shopping center which has a structure connected by party walls, partitions, covered canopies or other structural members to form one continuous structure with commercial uses with entrances that may lead to an interior corridor versus directly to the parking area.

Sign. See article VI of this chapter, section 134-311 et seq.

Sec. 134-2. Penalties.

(a) Any person who violates any provision of articles I through V of this chapter, after conviction upon a citation issued to the magistrate court of the county, in accordance with O.C.G.A. 36-1-20 may be incarcerated for a period not to exceed 60 days and/or shall be fined an amount as established below for violations within any 12-month period:

(1) For a first violation, a fine of not less than \$100.00 nor more than \$1,000.00.

(2) For a second violation, a fine of not less than \$300.00 nor more than \$1,000.00.

(3) For a third violation, a fine of not less than \$600.00 nor more than \$1,000.00.

(4) For a fourth violation and each successive violation, a fine of \$1,000.00. For purposes of this subparagraph (a), a conviction for violation of any provision of articles I through V of this chapter is a "first violation" if the person has not been convicted of the same provision or any other provision of articles I through V of this chapter within the preceding 12 months. That person's next conviction of the same provision or any other provisions of articles I through V of this chapter within any 12-month period is a "second violation," and so on for subsequent violations.

(b) It is anticipated that the minimum fines as established in subparagraph (a) above would be imposed in situations where the court finds that the violation has been substantially cured or abated prior to the date of conviction.

(c) The provisions of article VI of this chapter shall be enforced and violations penalized as provided in section 134-342 of the Cobb County Code.

(d) Any condition or stipulation placed upon a rezoning approved by the board of commissioners pursuant to this article II of this chapter or a variance approved by the board of zoning appeals pursuant to this article II of this chapter shall have the force and effect of law. Any person who violates any such condition or stipulation shall, after conviction upon citation issued to the magistrate court of the county, be punished as provided in subsection (a) hereof.

(e) Any person who violates any provision of articles I through VI of this chapter, after receiving proper notice of violation, may request a remedy to the violation via sections 134-34, 134-36, 134-37 and 134-38. Upon receipt of a properly filed application as per sections 134-34, 134-36, 134-37 and 134-38, no additional notices of violation or citations to magistrate court shall be issued until adjudication of the application by the Cobb County Board of Commissioners or the Cobb County Board of Zoning Appeals as provided in this Chapter.

(Ord. of 12-26-72; Ord. of 12-11-90, § 3-28-14.0; Ord. of 11-23-99; Ord. of 2-8-00; Ord. of 9-12-00; Ord. of 10-26-04; Ord. of 7-26-05)

Sec. 134-37. Special land use permits.

(a) A special land use permit shall be required for the following types of uses of property regardless of the zoning classification or district for the realty:

(1) Radio, television, microwave, land mobile, telephone or other communication towers or antennas, including antennas or other communications equipment or facilities to be placed on a tower that was or will be constructed pursuant to the exemption set forth in section 134-3(2).....

(f) Any special land use permit that is granted for a use that emits or creates odors must include an odor elimination/attenuation system as recommended by industry standards.

(Res. of 9-25-84, §§ 1--4; Ord. of 4-15-86; Ord. of 12-11-90, § 3-28-10.2; Ord. of 9-26-95; Ord. of 6-24-97 (eff. 7-1-97); Ord. of 2-9-99; Ord. of 11-23-99; Ord. of 12-9-03)



Sec. 134-163. Zoning map.

Subject to the express provisions in this chapter, all properties shall be zoned as set forth on the official county zoning map and the official zoning block maps of the county, as amended from time to time. The maps shall be kept under the custody of the county community development agency and maintained in the offices of the agency's planning division and zoning division, and shall be subject to public inspection. The official county zoning maps are incorporated in this chapter by express reference.

(Ord. of 12-11-90; Ord. of 8-13-91; Ord. of 9-12-00)

Sec. 134-164. Interpretation of chapter and accompanying zoning district maps. This section provides rules for resolving questions about the meaning or applicability of any part of this chapter. The provisions of this section are intended to ensure the consistent interpretation and application of the provisions of this chapter. The zoning division manager or his/her designee is assigned the responsibility and authority to interpret the requirements of this chapter.

A. In interpreting allowable uses of land if a proposed land use is not specifically listed in the regulations of the district in which a property is located, the following rules shall apply:

(1) The zoning division manager or his/her designee may determine the characteristics of, activities associated with and potential land use impacts of the proposed use are consistent with those of one or more of the uses listed in the zoning district as allowable, and will not involve a higher level of activity or density than the uses listed in the district.

B. In interpreting the zoning district maps, the following rules shall apply:

(1) Where district boundaries are indicated as approximately following the boundary lines of streets, alleys, railroads, public lands or channels or bodies of water, such lines shall be construed to be such boundaries.

(2) Where such boundaries are indicated so that they approximately follow the lines of lots or other parcels of record and are not more than ten feet distant therefrom, such lot or parcel lines shall be construed to be such boundaries.

(3) If the rules set out in subsections (a) and (b) of this section do not apply, the location of a district boundary, unless the boundary is indicated by dimensions shown on the map, shall be determined by use of the scale appearing thereon.

(Ord. of 12-26-72; Ord. of 12-11-90, § 3-28-11.1; Ord. of 9-12-00)

Sec. 134-211. LRO low-rise office district.

The regulations for the LRO low-rise office district are as follows:.....

(3) Permitted uses. Permitted uses are as follows:.....

Executive golf courses (see section 134-270).

Freestanding climate controlled self-service storage facilities. The following minimum standards shall apply to freestanding climate controlled self-service storage facilities:

1. Maximum building height of ~~two~~ three stories (excluding basement) ~~or 35 feet~~ or as approved by the board of commissioners (only when in CAC or RAC) Maximum building height of two stories (excluding basement) or as approved by the board of commissioners (only when in NAC).
2. All units shall be accessed through a main or central entrance.
3. All windows or similar architectural features must be "one way."
4. Architectural style/design to be similar or complementary to the predominant architectural design of other commercial uses within the activity center. Said architectural style/design to be approved by the board of commissioners. Any roof mounted utilities or building components must be sufficiently screened from view of adjoining properties and public right-of-way.
5. There shall be no outside storage allowed or long-term parking of heavy equipment, or parking of construction or related equipment allowed.
6. There shall be no storage of recreational vehicles and no dry storage of pleasure boats of any type customarily maintained by private individuals for their personal use.
7. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.
8. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.
9. There shall be no resident manager or any type of overnight accommodations for such.
10. Landscape plan to be approved by staff with emphasis on planting within the parking facilities.
11. One parking space shall be provided per every 50 individual storage units/areas.
12. Loading area, including adequate turnaround space for a tractor trailer vehicle, must be screened by a permanent architectural feature.
13. Lighting plan to be approved by the board of commissioners.
14. No units shall be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to an

apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.

15. Dumpster areas and detention areas must be sufficiently screened from view of adjoining properties and public right-of-way.

Funeral homes (with a maximum height of two stories and a 25-foot buffer adjacent to all residentially zoned properties).....

Sec. 134-213. NRC neighborhood retail commercial district.

Commencing January 1, 1998, no new applications for a Special Land Use Permit for Self-service Storage Facilities (SSSF) are to be accepted by the board of commissioners. The regulations for the NRC neighborhood retail commercial district are as follows:.....

(3) Permitted uses. Permitted uses are as follows:.....

Film developing and printing facilities.

Freestanding climate controlled self-service storage facilities. The following minimum standards shall apply to freestanding climate controlled self-service storage facilities:

1. Maximum building height of ~~two~~ three stories (excluding basement) ~~or 35 feet~~ or as approved by the board of commissioners (only when in CAC or RAC)  
Maximum building height of two stories (excluding basement) or as approved by the board of commissioners (only when in NAC).
2. All units shall be accessed through a main or central entrance.
3. All windows or similar architectural features must be "one way."
4. Architectural style/design to be similar or complementary to the predominant architectural design of other commercial uses within the activity center. Said architectural style/design to be approved by the board of commissioners. Any roof mounted utilities or building components must be sufficiently screened from view of adjoining properties and public right-of-way.
5. There shall be no outside storage allowed or long-term parking of heavy equipment, or parking of construction or related equipment allowed.
6. There shall be no storage of recreational vehicles and no dry storage of pleasure boats of any type customarily maintained by private individuals for their personal use.
7. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.
8. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.
9. There shall be no resident manager or any type of overnight accommodations for such.
10. Landscape plan to be approved by staff with emphasis on planting within the parking facilities.
11. One parking space shall be provided per every 50 individual storage units/areas.
12. Loading area, including adequate turnaround space for a tractor trailer vehicle, must be screened by a permanent architectural feature.
13. Lighting plan to be approved by the board of commissioners.

14. No units shall be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.

15. Dumpster areas and detention areas must be sufficiently screened from view of adjoining properties and public right-of-way.

Free standing ice vending machines. The following minimum standards shall apply to freestanding ice vending machines:

1. Architectural style must be similar to or complimentary to the architectural styles of contiguous properties and consistent with the county's architectural guidelines.

2. Any roof mounted utility, conditioned air unit or other mechanical device associated with the operation of the machine must be screened from the view of public right of way with an architectural feature similar to or complimentary to the architectural styles of contiguous properties.

3. Special land use permit as required in 134-37.

Full service gasoline stations.....

Sec. 134-215. O&I office and institutional district.

The regulations for the O&I office and institutional district are as follows:

(1) Purpose and intent. The O&I district is established to provide locations for nonretail commercial uses such as offices and financial institutions, which are on properties delineated within or on the edge of a community activity center and a regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. The office and institutional district is designed primarily to provide for four-story and smaller office developments, office uses, motels, hotels, banking and professional offices that complement and provide step-down nodal zoning away from more intensive commercial uses and otherwise to implement the stated purpose of this chapter.

(2) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

a. Accessory retail uses means retail sales and services accessory to the operation of an office building or institutional use, motel, hotel or high-rise ~~apartment~~ residential development, conducted wholly within the building housing the use to which such activities are accessory, provided that the floorspace used or to be used for such ~~secondary~~ accessory retail uses shall be limited to a total

of 25 square feet per dwelling unit in a high-rise ~~apartment~~ residential development or 25 square feet per room in a hotel or motel, or ten percent of the net floor area in an office building or institutional use, and provided that:

1. Every public entrance to such a use shall be from a lobby, hallway or other interior portion of the primary use structure;
2. No show window, advertising or display shall be visible from the exterior of the primary use structure; ~~and~~
3. No merchandise shall be stored or displayed outside of the primary use structure.
4. Accessory retail uses shall include eating and drinking establishments, barber shops, beauty shops, laundry and dry cleaning pickup establishments, news stands, florists gift shops, film developing and printing facilities, stationary stores, shoe repair shops, or convenience food stores (no fuel sales).
5. Accessory retail use square footage must be in the primary building it serves; accessory use square footages cannot be allocated to other buildings in a multi building development.

~~However, the requirements of subsections 1 and 2 of this subsection shall not apply to restaurants and cafeterias secondary to a hotel or motel and office building or institutional use; these secondary uses may be located in a structure other than the primary use structure. The following secondary uses are permitted: barbershops, beauty shops, laundry and dry cleaning pickup and distribution stations and other similar personal service establishments; drugstores; bookstores; florists; convenience food stores; gift shops; cafeterias and restaurants; private clubs; laundry facilities for the convenience of residents; and newsstands.~~

b. Clinic. A medical or dental clinic is an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall include laboratory facilities in conjunction with normal clinic services.....

Fraternity and sorority houses and residence halls, if within 1,000 feet of a college or university.

Freestanding climate controlled self-service storage facilities ~~(only in CAC or RAC)~~. The following minimum standards shall apply to freestanding climate controlled self-service storage facilities:

1. Maximum building height of ~~two~~ three stories (excluding basement) ~~or 35 feet or as approved by the board of commissioners (only when in CAC or RAC)~~ Maximum building height of two stories (excluding basement) or as approved by the board of commissioners (only when in NAC).
2. All units shall be accessed through a main or central entrance.
3. All windows or similar architectural features must be "one way."
4. Architectural style/design to be similar or complementary to the predominant architectural design of other commercial uses within the activity center. Said architectural style/design to be approved by the board of

commissioners. Any roof mounted utilities or building components must be sufficiently screened from view of adjoining properties and public right-of-way.

5. There shall be no outside storage allowed or long-term parking of heavy equipment, or parking of construction or related equipment allowed.
6. There shall be no storage of recreational vehicles and no dry storage of pleasure boats of any type customarily maintained by private individuals for their personal use.
7. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.
8. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.
9. There shall be no resident manager or any type of overnight accommodations for such.
10. Landscape plan to be approved by staff with emphasis on planting within the parking facilities.
11. One parking space shall be provided per every ~~25~~ 50 individual storage units/areas.
12. Loading area, including adequate turnaround space for a tractor trailer vehicle, must be screened by a permanent architectural feature.
13. Lighting plan to be approved by the board of commissioners.
14. No units shall be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.
15. Dumpster areas and detention areas must be sufficiently screened from view of adjoining properties and public right-of-way.

Free standing ice vending machines. The following minimum standards shall apply to freestanding ice vending machines:

1. Architectural style must be similar to or complimentary to the architectural styles of contiguous properties and consistent with the county's architectural guidelines.
2. Any roof mounted utility, conditioned air unit or other mechanical device associated with the operation of the machine must be screened from the view of public right of way with an architectural feature similar to or complimentary to the architectural styles of contiguous properties.
3. Special land use permit as required in 134-37.

Funeral homes.....

(11) Special exception uses for community activity centers only. The following uses, with the proper scrutiny and conditions, may be considered as special exception uses within O&I district, only if they are within properties delineated as community activity centers as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any special exception use, for regional activity centers only, shall adhere to the landscape buffer and screening requirements in subsection (5) of this section.

a. Hotel (suite). Any hotel in which more than 35 percent of the units include kitchenettes or kitchen facilities within the suite must apply for a special land use permit as provided in section 134-37.....

b. Climate controlled self-service storage facilities, when complementary or accessory to an office park or building.

The following minimum standards shall apply to climate controlled self-service storage facilities:

1. Maximum building height of ~~two~~ three stories (excluding basement) ~~or 35 feet~~ or as approved by the board of commissioners (only when in CAC or RAC) Maximum building height of two stories (excluding basement) or as approved by the board of commissioners (only when in NAC).

2. All units shall be accessed through a main or central entrance.

3. All windows or similar architectural features must be "one way."

4. Architectural style/design to be similar or complementary to the architectural design of the principal office building. Said architectural style/design to be approved by the board of commissioners.

5. There shall be no outside storage allowed or long-term parking of heavy equipment, or parking of construction or related equipment allowed.

6. There shall be no storage of recreational vehicles and no dry storage of pleasure boats of any type customarily maintained by private individuals for their personal use.

7. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.

8. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.

9. There shall be no resident manager or any type of overnight accommodations for such.

10. Landscape plan to be approved by staff with emphasis on planting within the parking facilities.

11. One parking space shall be provided per every ~~25~~ 50 individual storage units/areas. Off site or shared parking is encouraged.

12. Overall project must be accessed via a public or private roadway which is internal to the office park, building or shopping center; direct access to an adjoining public roadway shall be subject to approval by the board of commissioners.



13. No freestanding signage shall be utilized; internal directional signage will be subject to approval by the board of commissioners.

14. No units shall be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail styles of any kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.

15. Special land use permit as provided in section 134-37.

16. Special land use permit cannot be considered with a simultaneous rezoning applications for the property.

(12) Special exception uses for regional activity center only. The following uses, with the proper scrutiny and conditions, may be considered as special exception uses within the O&I district, only if they are within properties delineated as regional activity centers as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any special exception use, for regional activity centers only, shall adhere to the landscape buffer and screening requirements in subsection (5) of this section.

a. Hotel (suite). Any hotel in which more than 35 percent of the units include kitchenettes or kitchen facilities within the suite must apply for a special land use permit as provided in section 134-37. ....

b. Climate controlled self-service storage facilities, when complementary or accessory to an office park or building.

The following minimum standards shall apply to climate controlled self-service storage facilities:

1. Maximum building height of ~~two~~ three stories (excluding basement) ~~or 35 feet~~ or as approved by the board of commissioners (only when in CAC or RAC). Maximum building height of two stories (excluding basement) or as approved by the board of commissioners (only when in NAC).

2. All units shall be accessed through a main or central entrance.

3. All windows or similar architectural features must be "one way."

4. Architectural style/design to be similar or complementary to the architectural design of the principal office building. Said architectural style/design to be approved by the board of commissioners.

5. There shall be no outside storage allowed or long-term parking of heavy equipment, or parking of construction or related equipment allowed.

6. There shall be no storage of recreational vehicles and no dry storage of pleasure boats of any type customarily maintained by private individuals for their personal use.

7. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.

8. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.
9. There shall be no resident manager or any type of overnight accommodations for such.
10. Landscape plan to be approved by staff with emphasis on planting within the parking facilities.
11. One parking space shall be provided per every ~~25~~ 50 individual storage units/areas.
12. Overall project must be accessed via a public or private roadway which is internal to the office park, building or shopping center; direct access to an adjoining public roadway shall be subject to approval by the board of commissioners.
13. No freestanding signage shall be utilized; internal directional signage will be subject to approval by the board of commissioners.
14. No units shall be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.
15. Special land use permit as provided in section 134-37.
16. Special land use permit cannot be considered with a simultaneous rezoning applications for the property.
- (13) Use limitations.....

Sec. 134-218. CRC community retail commercial district.

Commencing January 1, 1998, no new applications for a Special Land Use Permit for Self-service Storage Facilities (SSSF) are to be accepted by the board of commissioners. The regulations for the CRC community retail commercial district are as follows:.....

(3) Permitted uses. Permitted uses are as follows:.....

Fraternity and sorority house and residence halls.

Freestanding climate controlled self-service storage facilities ~~(only in CAC or RAC)~~. The following minimum standards shall apply to freestanding climate controlled self-service storage facilities:

1. Maximum building height of ~~two~~ three stories (excluding basement) ~~or 35 feet~~ or as approved by the board of commissioners (only when in CAC or RAC) Maximum building height of two stories (excluding basement) or as approved by the board of commissioners (only when in NAC).
2. All units shall be accessed through a main or central entrance.
3. All windows or similar architectural features must be "one way."
4. Architectural style/design to be similar or complementary to the predominant architectural design of other commercial uses within the activity center. Said architectural style/design to be approved by the board of commissioners. Any roof mounted utilities or building components must be sufficiently screened from view of adjoining properties and public right-of-way.
5. There shall be no outside storage allowed or long-term parking of heavy equipment, or parking of construction or related equipment allowed.
6. There shall be no storage of recreational vehicles and no dry storage of pleasure boats of any type customarily maintained by private individuals for their personal use.
7. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.
8. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.
9. There shall be no resident manager or any type of overnight accommodations for such.
10. Landscape plan to be approved by staff with emphasis on planting within the parking facilities.
11. One parking space shall be provided per every ~~25~~ 50 individual storage units/areas.
12. Loading area, including adequate turnaround space for a tractor trailer vehicle, must be screened by a permanent architectural feature.
13. Lighting plan to be approved by the board of commissioners.
14. No units shall be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail sales of any

kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.

15. Dumpster areas and detention areas must be sufficiently screened from view of adjoining properties and public right-of-way.

Free standing ice vending machines. The following minimum standards shall apply to freestanding ice vending machines:

1. Architectural style must be similar to or complimentary to the architectural styles of contiguous properties and consistent with the county's architectural guidelines.

2. Any roof mounted utility, conditioned air unit or other mechanical device associated with the operation of the machine must be screened from the view of public right of way with an architectural feature similar to or complimentary to the architectural styles of contiguous properties.

3. Special land use permit as required in 134-37.

Full service gasoline stations.....

(10) Special exception uses. See section 134-271 for special exception use requirements for all districts. Special exception uses for the CRC district are the uses listed in section 134-271.

(11) Special exception uses for community activity center only. The following uses, with the proper scrutiny and conditions, may be considered as special exception uses within the CRC district, only if they are within properties delineated as community activity centers as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any special exception use, for community activity centers only, shall adhere to the landscape buffer and screening requirements in subsection (5) of this section.....

b. Hotel (suite). Any hotel in which more than 35 percent of the units include kitchenettes .....

c. Climate controlled self-service storage facilities, when complementary or accessory to an office park or building.

The following minimum standards shall apply to climate controlled self-service storage facilities:

1. Maximum building height of ~~two~~ three stories (excluding basement) ~~or 35 feet~~ or as approved by the board of commissioners (only when in CAC or RAC) Maximum building height of two stories (excluding basement) or as approved by the board of commissioners (only when in NAC).

2. All units shall be accessed through a main or central entrance.

3. All windows or similar architectural features must be "one way."

4. Architectural style/design to be similar or complementary to the architectural design of the principal office building. Said architectural style/design to be approved by the board of commissioners.
5. There shall be no outside storage allowed or long-term parking of heavy equipment, or parking of construction or related equipment allowed.
6. There shall be no storage of recreational vehicles and no dry storage of pleasure boats of any type customarily maintained by private individuals for their personal use.
7. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.
8. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.
9. There shall be no resident manager or any type of overnight accommodations for such.
10. Landscape plan to be approved by staff with emphasis on planting within the parking facilities.
11. One parking space shall be provided per every ~~25~~ 50 individual storage units/areas. Off site or shared parking is encouraged.
12. Overall project must be accessed via a public or private roadway which is internal to the office park, building or shopping center; direct access to an adjoining public roadway shall be subject to approval by the board of commissioners.
13. No freestanding signage shall be utilized; internal directional signage will be subject to approval by the board of commissioners.
14. No units shall be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.
15. Special land use permit as provided in section 134-37.
16. Special land use permit cannot be considered with a simultaneous rezoning applications for the property.
- (12) Special exception uses for regional activity center only. The following uses, with the proper scrutiny and conditions, may be considered as special exception uses within the CRC district, only if they are within properties delineated as regional activity centers as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any special exception use, for regional activity centers only, shall adhere to the landscape buffer and screening requirements in subsection (5) of this section.....
- b. Hotel (suite). Any hotel in which more than 35 of the units include kitchenettes.....

c. Climate controlled self-service storage facilities, when complementary or accessory to an office park or building.

The following minimum standards shall apply to climate controlled self-service storage facilities:

1. Maximum building height of ~~two three~~ stories (excluding basement) or 35 feet or as approved by the board of commissioners (only when in CAC or RAC) Maximum building height of two stories (excluding basement) or as approved by the board of commissioners (only when in NAC).
2. All units shall be accessed through a main or central entrance.
3. All windows or similar architectural features must be "one way."
4. Architectural style/design to be similar or complementary to the architectural design of the principal office building. Said architectural style/design to be approved by the board of commissioners.
5. There shall be no outside storage allowed or long-term parking of heavy equipment, or parking of construction or related equipment allowed.
6. There shall be no storage of recreational vehicles and no dry storage of pleasure boats of any type customarily maintained by private individuals for their personal use.
7. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.
8. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.
9. There shall be no resident manager or any type of overnight accommodations for such.
10. Landscape plan to be approved by staff with emphasis on planting within the parking facilities.
11. One parking space shall be provided per every ~~25~~ 50 individual storage units/areas. Off site or shared parking is encouraged.
12. Overall project must be accessed via a public or private roadway which is internal to the office park, building or shopping center; direct access to an adjoining public roadway shall be subject to approval by the board of commissioners.
13. No freestanding signage shall be utilized; internal directional signage will be subject to approval by the board of commissioners.
14. No units shall be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.
15. Special land use permit as provided in section 134-37.
16. Special land use permit cannot be considered with a simultaneous rezoning applications for the property.

(13) Use limitations.....

Sec. 134-219. RMR residential mid-rise district.

Commencing April 4, 1996, no new applications for rezoning to the RMR district will be accepted by the board of commissioners. The regulations for the RMR residential mid-rise district are as follows:

(1) Purpose and intent. The RMR district is intended to provide for higher density residential uses (not to exceed 33 DUA) located in areas designated as regional activity centers as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990.

(2) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

a. Accessory retail uses means retail sales and services accessory to the operation of an office building or institutional use, motel, hotel or high-rise residential development, conducted wholly within the building housing the use to which such activities are accessory, provided that the floorspace used or to be used for such accessory retail uses shall be limited to a total of 25 square feet per dwelling unit in a high-rise residential development or 25 square feet per room in a hotel or motel, or ten percent of the net floor area in an office building or institutional use, and provided that:

1. Every public entrance to such a use shall be from a lobby, hallway or other interior portion of the primary use structure;

2. No show window, advertising or display shall be visible from the exterior of the primary use structure;

3. No merchandise shall be stored or displayed outside of the primary use structure.

4. Accessory retail uses shall include eating and drinking establishments, barber shops, beauty shops, laundry and dry cleaning pickup establishments, news stands, florists gift shops, film developing and printing facilities, stationary stores, shoe repair shops, or convenience food stores (no fuel sales).

5. Accessory retail use square footage must be in the primary building it serves; accessory use square footages cannot be allocated to other buildings in a multi building development.

a. b. Community fair means a festival or fair such as the North Georgia State Fair conducted wholly within public areas owned by a local government, provided that any activity is conducted at least 200 feet from any property line. Any event shall not exceed 21 days.



Sec. 134-220. OMR office mid-rise district.

The regulations for the OMR office mid-rise district are as follows:

(1) Purpose and intent. The OMR district is established to provide locations for uses such as offices, financial institutions and accessory retail sales and service uses (four to eight stories) which are on properties delineated within a regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990.

(2) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

a. Accessory retail uses means retail sales and services accessory to the operation of an office building or institutional use, motel, hotel or high-rise ~~apartment residential~~ development, conducted wholly within the building housing the use to which such activities are accessory, provided that the floorspace used or to be used for such ~~secondary~~ accessory retail uses shall be limited to a total of 25 square feet per dwelling unit in a high-rise ~~apartment residential~~ development or 25 square feet per room in a hotel or motel, or ten percent of the net floor area in an office building or institutional use, and provided that:

1. Every public entrance to such a use shall be from a lobby, hallway or other interior portion of the primary use structure;
2. No show window, advertising or display shall be visible from the exterior of the primary use structure; ~~and~~
3. No merchandise shall be stored or displayed outside of the primary use structure.

4. Accessory retail uses shall include eating and drinking establishments, barber shops, beauty shops, laundry and dry cleaning pickup establishments, news stands, florists gift shops, film developing and printing facilities, stationary stores, shoe repair shops, or convenience food stores (no fuel sales).

5. Accessory retail use square footage must be in the primary building it serves; accessory use square footages cannot be allocated to other buildings in a multi building development.

~~However, the requirements of subsections 1 and 2 of this subsection shall not apply to restaurants and cafeterias secondary to a hotel or motel and office building or institutional use; these secondary uses may be located in a structure other than the primary use structure. The following secondary uses are permitted: barbershops, beauty shops, laundry and dry cleaning pickup and distribution stations and other similar personal service establishments; drugstores; bookstores; florists; convenience food stores; gift shops; cafeterias and restaurants; private clubs; laundry facilities for the convenience of residents; and newsstands.~~

b. Clinic. A medical or dental clinic is an organization of specializing physicians or dentists, or both, who have their offices in a common building. A

clinic shall include laboratory facilities in conjunction with normal clinic services.....

(11) Special exception uses for regional activity center only. The following uses, with the proper scrutiny and conditions, may be considered as special exception uses within the OMR district, only if they are within properties delineated as regional activity centers as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any special exception use, for regional activity centers only, shall adhere to the landscape buffer and screening requirements in subsection (5) of this section.

a. Hotel (suite). Any hotel in which more than 35 percent of the units include kitchenettes.....

b. Climate controlled self-service storage facilities, when complementary or accessory to an office park or building.

The following minimum standards shall apply to climate controlled self-service storage facilities:

1. Maximum building height of ~~two~~ three stories (excluding basement) ~~or 35 feet~~ or as approved by the board of commissioners (only when in RAC).
2. All units shall be accessed through a main or central entrance.
3. All windows or similar architectural features must be "one way."
4. Architectural style/design to be similar or complementary to the architectural design of the principal office building. Said architectural style/design to be approved by the board of commissioners.
5. There shall be no outside storage allowed or long-term parking of heavy equipment, or parking of construction or related equipment allowed.
6. There shall be no storage of recreational vehicles and no dry storage of pleasure boats of any type customarily maintained by private individuals for their personal use.
7. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.
8. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.
9. There shall be no resident manager or any type of overnight accommodations for such.
10. Landscape plan to be approved by staff with emphasis on planting within the parking facilities.
11. One parking space shall be provided per every ~~25~~ 50 individual storage units/areas. Off site or shared parking is encouraged.
12. Overall project must be accessed via a public or private roadway which is internal to the office park, building or shopping center; direct access to an adjoining public roadway shall be subject to approval by the board of commissioners.
13. No freestanding signage shall be utilized; internal directional signage will be subject to approval by the board of commissioners.

14. No units shall be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.
15. Special land use permit as provided in section 134-37.
16. Special land use permit cannot be considered with a simultaneous rezoning applications for the property.
- (12) Use limitations.....

Sec. 134-221. RHR residential high-rise district.

Commencing April 4, 1996, no new applications for rezoning to the RHR district will be accepted by the board of commissioners. The regulations for the RHR residential high-rise district are as follows:

(1) Purpose and intent. The RHR district is intended to provide for higher density residential uses (not to exceed 66 DUA) located in areas designated as regional activity centers as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990.

(2) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

a. Accessory retail uses means retail sales and services accessory to the operation of an office building or institutional use, motel, hotel or high-rise residential development, conducted wholly within the building housing the use to which such activities are accessory, provided that the floorspace used or to be used for such accessory retail uses shall be limited to a total of 25 square feet per dwelling unit in a high-rise residential development or 25 square feet per room in a hotel or motel, or ten percent of the net floor area in an office building or institutional use, and provided that:

1. Every public entrance to such a use shall be from a lobby, hallway or other interior portion of the primary use structure;

2. No show window, advertising or display shall be visible from the exterior of the primary use structure; and

3. No merchandise shall be stored or displayed outside of the primary use structure.

4. Accessory retail uses shall include eating and drinking establishments, barber shops, beauty shops, laundry and dry cleaning pickup establishments, news stands, florists gift shops, film developing and printing facilities, stationary stores, shoe repair shops, or convenience food stores (no fuel sales).

5. Accessory retail use square footage must be in the primary building it serves; accessory use square footages cannot be allocated to other buildings in a multi building development.

~~a.~~ b. Community fair means a festival or fair such as the North Georgia State Fair conducted wholly within public areas owned by a local government, provided that any activity is conducted at least 200 feet from any property line. Any event shall not exceed 21 days.

Sec. 134-222. OHR office high-rise district.

The regulations for the OHR office high-rise district are as follows:

(1) Purpose and intent. The OHR district is established to provide locations for uses such as offices, financial institutions and accessory retail sales and service uses (eight to 24 stories) which are on properties delineated within a regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990.

(2) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

a. Accessory retail uses means retail sales and services accessory to the operation of an office building or institutional use, motel, hotel or high-rise ~~apartment~~ residential development, conducted wholly within the building housing the use to which such activities are accessory, provided that the floorspace used or to be used for such ~~secondary~~ accessory retail uses shall be limited to a total of 25 square feet per dwelling unit in a high-rise ~~apartment~~ residential development or 25 square feet per room in a hotel or motel, or ten percent of the net floor area in an office building or institutional use, and provided that:

1. Every public entrance to such a use shall be from a lobby, hallway or other interior portion of the primary use structure;
2. No show window, advertising or display shall be visible from the exterior of the primary use structure; ~~and~~
3. No merchandise shall be stored or displayed outside of the primary use structure.

4. Accessory retail uses shall include eating and drinking establishments, barber shops, beauty shops, laundry and dry cleaning pickup establishments, news stands, florists gift shops, film developing and printing facilities, stationary stores, shoe repair shops, or convenience food stores (no fuel sales).

5. Accessory retail use square footage must be in the primary building it serves; accessory use square footages cannot be allocated to other buildings in a multi building development.

~~However, the requirements of subsections 1 and 2 of this subsection shall not apply to restaurants and cafeterias secondary to a hotel or motel and office building or institutional use; these secondary uses may be located in a structure other than the primary use structure. The following secondary uses are permitted: barbershops, beauty shops, laundry and dry cleaning pickup and distribution stations and other similar personal service establishments; drugstores; bookstores; florists; convenience food stores; gift shops; cafeterias and restaurants; private clubs; laundry facilities for the convenience of residents; and newsstands.~~

b. Clinic. A medical or dental clinic is an organization of specializing physicians or dentists, or both, who have their offices in a common building. A

clinic shall include laboratory facilities in conjunction with normal clinic services.....

(11) Special exception uses for regional activity center only. The following uses, with the proper scrutiny and conditions, may be considered as special exception uses within the OHR district, only if they are within properties delineated as regional activity centers as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any special exception use, for regional activity centers only, shall adhere to the landscape buffer and screening requirements in subsection (5) of this section.

a. Hotel (suite). Any hotel in which more than 35 percent of the units include kitchenettes.....

b. Climate controlled self-service storage facilities, when complementary or accessory to an office park or building.

The following minimum standards shall apply to climate controlled self-service storage facilities:

1. Maximum building height of ~~two~~ three stories (excluding basement) ~~or 35 feet~~ or as approved by the board of commissioners (only when in RAC).
2. All units shall be accessed through a main or central entrance.
3. All windows or similar architectural features must be "one way."
4. Architectural style/design to be similar or complementary to the architectural design of the principal office building. Said architectural style/design to be approved by the board of commissioners.
5. There shall be no outside storage allowed or long-term parking of heavy equipment, or parking of construction or related equipment allowed.
6. There shall be no storage of recreational vehicles and no dry storage of pleasure boats of any type customarily maintained by private individuals for their personal use.
7. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.
8. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.
9. There shall be no resident manager or any type of overnight accommodations for such.
10. Landscape plan to be approved by staff with emphasis on planting within the parking facilities.
11. One parking space shall be provided per every ~~25~~ 50 individual storage units/areas. Off site or shared parking is encouraged.
12. Overall project must be accessed via a public or private roadway which is internal to the office park, building or shopping center; direct access to an adjoining public roadway shall be subject to approval by the board of commissioners.

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13. No freestanding signage shall be utilized; internal directional signage will be subject to approval by the board of commissioners.
  14. No units shall be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.
  15. Special land use permit as provided in section 134-37.
  16. Special land use permit cannot be considered with a simultaneous rezoning applications for the property.
  - (12) Use limitations.....

Sec. 134-225. PSC planned shopping center district.  
Commencing January 1, 1998, no new applications for a Special Land Use Permit for Self-service Storage Facilities (SSSF) are to be accepted by the board of commissioners. The regulations for the PSC planned shopping center district are as follows:.....

(3) Permitted uses. Permitted uses are as follows:.....

Fraternity and sorority houses and residence halls.

Free standing ice vending machines. The following minimum standards shall apply to freestanding ice vending machines:

1. Architectural style must be similar to or complimentary to the architectural styles of contiguous properties and consistent with the county's architectural guidelines.

2. Any roof mounted utility, conditioned air unit or other mechanical device associated with the operation of the machine must be screened from the view of public right of way with an architectural feature similar to or complimentary to the architectural styles of contiguous properties.

3. Special land use permit as required in 134-37.

Full service gasoline stations.....



Sec. 134-226. TS tourist services district.

The regulations for the TS tourist services district are as follows:.....

(3) Permitted uses. Permitted uses are as follows:.....

Film developing and printing facilities.

Free standing ice vending machines. The following minimum standards shall apply to freestanding ice vending machines:

1. Architectural style must be similar to or complimentary to the architectural styles of contiguous properties and consistent with the county's architectural guidelines.

2. Any roof mounted utility, conditioned air unit or other mechanical device associated with the operation of the machine must be screened from the view of public right of way with an architectural feature similar to or complimentary to the architectural styles of contiguous properties.

3. Special land use permit as required in 134-37.

Full service gasoline stations.....

Sec. 134-227. GC general commercial district.

Commencing January 1, 1998, no new applications for a Special Land Use Permit for Self-service Storage Facilities (SSSF) are to be accepted by the board of commissioners. The regulations for the GC general commercial district are as follows:.....

(3) Permitted uses. Permitted uses are as follows:

Adult entertainment.

Ambulance services, if accessory to a hospital or funeral home.....

Freestanding climate controlled self-service storage facilities ~~(only in CAC or RAC)~~. The following minimum standards shall apply to freestanding climate controlled self-service storage facilities:

1. Maximum building height of ~~two~~ three stories (excluding basement) ~~or 35 feet~~ or as approved by the board of commissioners (only when in CAC or RAC) Maximum building height of two stories (excluding basement) or as approved by the board of commissioners (only when in NAC).
2. All units shall be accessed through a main or central entrance.
3. All windows or similar architectural features must be "one way."
4. Architectural style/design to be similar or complementary to the predominant architectural design of other commercial uses within the activity center. Said architectural style/design to be approved by the board of commissioners. Any roof mounted utilities or building components must be sufficiently screened from view of adjoining properties and public right-of-way.
5. There shall be no outside storage allowed or long-term parking of heavy equipment, or parking of construction or related equipment allowed.
6. There shall be no storage of recreational vehicles and no dry storage of pleasure boats of any type customarily maintained by private individuals for their personal use.
7. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.
8. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.
9. There shall be no resident manager or any type of overnight accommodations for such.
10. Landscape plan to be approved by staff with emphasis on planting within the parking facilities.
11. One parking space shall be provided per every ~~25~~ 50 individual storage units/areas.
12. Loading area, including adequate turnaround space for a tractor trailer vehicle, must be screened by a permanent architectural feature.
13. Lighting plan to be approved by the board of commissioners.
14. No units shall be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to

conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.

15. Dumpster areas and detention areas must be sufficiently screened from view of adjoining properties and public right-of-way.

Free standing ice vending machines. The following minimum standards shall apply to freestanding ice vending machines:

1. Architectural style must be similar to or complimentary to the architectural styles of contiguous properties and consistent with the county's architectural guidelines.

2. Any roof mounted utility, conditioned air unit or other mechanical device associated with the operation of the machine must be screened from the view of public right of way with an architectural feature similar to or complimentary to the architectural styles of contiguous properties.

3. Special land use permit as required in 134-37.

Full service gasoline stations.....

(11) Special exception uses for community activity center only. The following uses, with the proper scrutiny and conditions, may be considered as special exception uses within the GC district, only if they are within properties delineated as community activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any special exception use, for community activity centers only, shall adhere to the landscape buffer and screening requirements in subsection (5) of this section.....

b. Hotel (suite). Any hotel in which more than 35 percent of the units include kitchenettes.....

c. Climate controlled self-service storage facilities, when complementary or accessory to an office park or building.

The following minimum standards shall apply to climate controlled self-service storage facilities:

1. Maximum building height of ~~two~~ three stories (excluding basement) ~~or 35 feet~~ or as approved by the board of commissioners (only when in CAC).

2. All units shall be accessed through a main or central entrance.

3. All windows or similar architectural features must be "one way."

4. Architectural style/design to be similar or complementary to the architectural design of the principal office building. Said architectural style/design to be approved by the board of commissioners.

5. There shall be no outside storage allowed or long-term parking of heavy equipment, or parking of construction or related equipment allowed.

6. There shall be no storage of recreational vehicles and no dry storage of pleasure boats of any type customarily maintained by private individuals for their personal use.

7. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.

8. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.

9. There shall be no resident manager or any type of overnight accommodations for such.

10. Landscape plan to be approved by staff with emphasis on planting within the parking facilities.

11. One parking space shall be provided per every ~~25~~ 50 individual storage units/areas.

12. Overall project must be accessed via a public or private roadway which is internal to the office park, building or shopping center; direct access to an adjoining public roadway shall be subject to approval by the board of commissioners.

13. No freestanding signage shall be utilized; internal directional signage will be subject to approval by the board of commissioners.

14. No units shall be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.

15. Special land use permit as provided in section 134-37.

16. Special land use permit cannot be considered with a simultaneous rezoning applications for the property.

(12) Special exception uses for regional activity center only. The following uses, with the proper scrutiny and conditions, may be considered as special exception uses within the GC district, only if they are within properties delineated as regional activity centers as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any special exception use, for regional activity centers only, shall adhere to the landscape buffer and screening requirements in subsection (5) of this section.....

h. Hotel (suite). Any hotel in which more than 35 percent of the units include kitchenettes.....

i. Climate controlled self-service storage facilities, when complementary or accessory to an office park or building.

The following minimum standards shall apply to climate controlled self-service storage facilities:

1. Maximum building height of ~~two~~ three stories (excluding basement) ~~or 35 feet~~ or as approved by the board of commissioners (only when in RAC).
2. All units shall be accessed through a main or central entrance.
3. All windows or similar architectural features must be "one way."
4. Architectural style/design to be similar or complementary to the architectural design of the principal office building. Said architectural style/design to be approved by the board of commissioners.
5. There shall be no outside storage allowed or long-term parking of heavy equipment, or parking of construction or related equipment allowed.
6. There shall be no storage of recreational vehicles and no dry storage of pleasure boats of any type customarily maintained by private individuals for their personal use.
7. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.
8. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.
9. There shall be no resident manager or any type of overnight accommodations for such.
10. Landscape plan to be approved by staff with emphasis on planting within the parking facilities.
11. One parking space shall be provided per every ~~25~~ 50 individual storage units/areas. Off site or shared parking is encouraged.
12. Overall project must be accessed via a public or private roadway which is internal to the office park, building or shopping center; direct access to an adjoining public roadway shall be subject to approval by the board of commissioners.
13. No freestanding signage shall be utilized; internal directional signage will be subject to approval by the board of commissioners.
14. No units shall be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.
15. Special land use permit as provided in section 134-37.
16. Special land use permit cannot be considered with a simultaneous rezoning applications for the property.
- (13) Use limitations.....

Sec. 134-228. RRC regional retail commercial district.

Commencing January 1, 1998, no new applications for a Special Land Use Permit for Self-service Storage Facilities (SSSF) are to be accepted by the board of commissioners. The regulations for the RRC regional retail commercial district are as follows:.....

(3) Permitted uses. Permitted uses are as follows:.....  
Fraternity and sorority houses and residence halls.

Freestanding climate controlled self-service storage facilities ~~(only in CAC or RAC)~~. The following minimum standards shall apply to freestanding climate controlled self-service storage facilities:

1. Maximum building height of ~~two~~ three stories (excluding basement) ~~or 35 feet~~ or as approved by the board of commissioners (only when in CAC or RAC) Maximum building height of two stories (excluding basement) or as approved by the board of commissioners (only when in NAC).
2. All units shall be accessed through a main or central entrance.
3. All windows or similar architectural features must be "one way."
4. Architectural style/design to be similar or complementary to the predominant architectural design of other commercial uses within the activity center. Said architectural style/design to be approved by the board of commissioners. Any roof mounted utilities or building components must be sufficiently screened from view of adjoining properties and public right-of-way.
5. There shall be no outside storage allowed or long-term parking of heavy equipment, or parking of construction or related equipment allowed.
6. There shall be no storage of recreational vehicles and no dry storage of pleasure boats of any type customarily maintained by private individuals for their personal use.
7. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.
8. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.
9. There shall be no resident manager or any type of overnight accommodations for such.
10. Landscape plan to be approved by staff with emphasis on planting within the parking facilities.
11. One parking space shall be provided per every 25 individual storage units/areas.
12. Loading area, including adequate turnaround space for a tractor trailer vehicle, must be screened by a permanent architectural feature.
13. Lighting plan to be approved by the board of commissioners.
14. No units shall be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to

conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.

15. Dumpster areas and detention areas must be sufficiently screened from view of adjoining properties and public right-of-way.

Full service gasoline stations.....

(11) Special exception uses for regional activity center only. The following uses, with the proper scrutiny and conditions, may be considered as special exception uses within the RRC district, only if they are within properties delineated as regional activity centers as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any special exception use, for regional activity centers only, shall adhere to the landscape buffer and screening requirements in subsection (5) of this section.....

b. Hotel (suite). Any hotel in which more than 35 percent of the units include kitchenettes.....

c. Climate controlled self-service storage facilities, when complementary or accessory to an office park or building.

The following minimum standards shall apply to climate controlled self-service storage facilities:

1. Maximum building height of ~~two~~ three stories (excluding basement) ~~or 35 feet~~ or as approved by the board of commissioners (only when in RAC).
2. All units shall be accessed through a main or central entrance.
3. All windows or similar architectural features must be "one way."
4. Architectural style/design to be similar or complementary to the architectural design of the principal office building. Said architectural style/design to be approved by the board of commissioners.
5. There shall be no outside storage allowed or long-term parking of heavy equipment, or parking of construction or related equipment allowed.
6. There shall be no storage of recreational vehicles and no dry storage of pleasure boats of any type customarily maintained by private individuals for their personal use.
7. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.
8. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.
9. There shall be no resident manager or any type of overnight accommodations for such.
10. Landscape plan to be approved by staff with emphasis on planting within the parking facilities.
11. One parking space shall be provided per every ~~25~~ 50 individual storage units/areas. Off site or shared parking is encouraged.

12. Overall project must be accessed via a public or private roadway which is internal to the office park, building or shopping center; direct access to an adjoining public roadway shall be subject to approval by the board of commissioners.

13. No freestanding signage shall be utilized; internal directional signage will be subject to approval by the board of commissioners.

14. No units shall be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.

15. Special land use permit as provided in section 134-37.

16. Special land use permit cannot be considered with a simultaneous rezoning applications for the property.

(12) Use limitations

a. Any commercial office or mixed use development which exceeds 500,000 net square feet, any proposed hotel development which has in excess of 1,000 rooms or private hospital which has in excess of 600 beds, or any other development which exceeds 500,000 net square feet must provide the following prior to rezoning, or, if rezoned already, prior to commencing development:

1. A major development area plan proposal;
2. A traffic impact study prepared by a registered engineer;
3. A hydrology study; and
4. A water and sewer study.
5. Items 1-4 may be satisfied as part of a Development of Regional Impact Review.

b. Maximum floor area ratio is 1.00.....



Sec. 134-267. General development standards.

(a) Prerequisites for moving building. No dwelling unit or other permanent structure shall be moved within or into the county unless, when relocated, it meets all requirements of this chapter and requirements of this Code.....

(i) Compliance with building height restrictions affecting the county's 800 mhz emergency services radio system. Any project proposed for property within the lines of communication between the six tower sites transmitting signals for the county's 800 mhz emergency radio system must be designed so as to not interfere with the transmission of such radio system. Applications for any projects that fall within the lines of communication between the 6 tower sites shall be reviewed by the director of public safety, or his/her designee to verify that the proposal does not and will not interfere with the transmission. Any project greater than 80 feet in height that is located in Land Lots 334 and 1159 of the 16th District, Land Lot 978 of the 17th District, Land Lots 384 and 588 of the 18th District and Land Lots 248 and 338 of the 20th District, 2nd Section, Cobb County, Georgia, must demonstrate that the building will not affect any of the lines of communication between the six tower sites.

(j) Outdoor displays of merchandise. Where outdoor displays of merchandise are permitted in any non residential zoning district, the following minimum requirements shall apply:

1. The area displaying the merchandise shall be limited to an area no greater than 20 percent of the total lot area.
2. The location of the outdoor display of merchandise must be shown on a plan approved by the zoning division manager or his/her designee.
3. The area displaying the merchandise must be screened from any contiguous residentially zoned property.
4. The area displaying the merchandise may not be located within any required buffers.
5. The area displaying may be within designated parking spaces, if the spaces are above and beyond the minimum required.
6. The area displaying merchandise shall not impede vehicular traffic within the site, nor shall it prohibit or disrupt traffic entering or exiting the site from or to public rights of way, nor shall it impede adequate site distance to vehicles entering or exiting the site to or from public rights of way.
7. The area displaying the merchandise shall not impede pedestrian traffic within the site, particularly any sidewalks or pedestrian areas designed in accordance with the Americans with Disabilities Act (ADA).
8. These requirements shall apply to Peddlers as defined and regulated in Sections 78-81 and 78-83 of the Cobb County Code.

(Ord. of 12-26-72; Ord. of 12-11-90, § 3-28-16.1; Ord. of 9-12-00; Ord. of 7-25-06; Ord. of 2-27-07; Ord. of 7-24-07)

Sec. 134-268. Reserved.

Editor's note: An ordinance of June 27, 2006, deleted § 134-268, which pertained to adult entertainment establishments (GC only), and derived from ordinances of Dec. 26, 1972; Dec. 11, 1990; and June 22, 1993.

### Sec. 134-285. Landscape Enhancement Strip

In all non residential zoning districts, no vehicular use areas shall be constructed adjacent to a public street, publicly approved street, or publicly maintained street without a landscape enhancement strip. For the purposes of this section, a vehicular use area shall be defined as a parking lot with more than 5 parking spaces, a vehicular drive running parallel to the street or a loading dock area.

The landscape enhancement strip will extend along the entire road frontage except for approved access drives and shall extend from the right-of-way line into the property a distance of eight feet.

The purpose of this strip is to enhance the landscape between the right of way and the vehicular use areas from the public streets. The strip may only include trees required to be planted to meet tree ordinance street yard requirements, evergreen shrubs, grasses, berms and the combination of such, except for the following exemptions:

- Vehicular access drives placed approximately perpendicular to the right of way;
- Foot and bicycle paths;
- Walls and fences less than 6 feet in height;
- Landscaping sculpture, lighting fixtures, trellises and arbors;
- Utility transformers;
- Signage;
- Public utilities, including stormwater detention facilities, provided that they are placed approximately perpendicular to the right of way. After installation, the landscape enhancement strip shall be restored. Where existing lines or planned lines/utilities must run parallel to the right of way, an equivalent amount of landscape enhancement strip may be required beyond the 8 feet. To the extent possible, such lines should be consolidated with vehicular access routes. If stormwater detention facilities must be located within the landscape enhancement strip, an equivalent amount of landscape enhancement strip may be required beyond the 8 feet.

All plantings, berms and walls must meet Georgia and/or Cobb Department of Transportation standards for sight distances, irrigation and right-of-way obstructions. All standards for planting in a public easement apply as well. A corridor through the plantings must be incorporated in the design between a fire hydrant and the building.

The redevelopment of a site utilizing all or parts of an existing building shall not be required to meet the above landscape enhancement strip standards except as follows:

- When the orientation of the building changes to face another street frontage.
- When new loading docks are proposed.
- When new parking or drives are proposed.

Existing vegetation which is preserved may be applied toward meeting the intent of this section with the approval of Community Development Agency landscape plan review staff.

The landscape enhancement plan shall be included with the civil plans submitted for land disturbance permit review. The plan shall include the following:

- The, type, surveyed location, trunk diameter and critical root zone (see Cobb County Development Standards Sec. 416.01) of any existing trees and the type, location and crown diameter of any existing shrubs that are proposed to be preserved.
- The type, location and size of all street yard trees to be planted per Development Standards Sec. 416.02.03.
- The type, location and size of all shrubs, grasses, berms, etc. to be planted.

The owner/developer of the property shall provide performance and/or maintenance surety for materials in this landscape enhancement strip in accordance with tree ordinance requirements (Sec. 50-224). After the prescribed developer maintenance period, it shall be the responsibility of the landowner to maintain and replace as needed all plant materials in the street buffer. The landowner shall also keep the area free of trash and debris.

## ARTICLE VI. SIGNS

## DIVISION 1. GENERALLY

## Sec. 134-311. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Animated illumination or effects means illumination or effects with action, motion, moving characters or flashing lights. This may require electrical energy, but shall also include wind actuated devices. Specifically included is any motion picture or video mechanism used in conjunction with any outdoor advertising structure in such a manner as to permit or allow the images to be visible from any public right-of-way. This definition does not include signs which indicate only time and/or temperature, provided that such time and/or temperature signs do not change or alternate messages more than 12 times a minute or electronic message signs as permitted within.~~

Animated sign means a sign which contains the appearance of movement to depict action or to create a special effect or scene.

Awning sign means a sign, symbol, trademark or other message written on an awning attached to a wall. Awning signs are included in the definition of wall signs.....

~~Flashing includes illumination which is not kept constant in intensity at all times when in use and which exhibits sudden or marked changes in lighting effects. The term "flashing" excludes illuminated signs which indicate only time and/or temperature, provided that such time/temperature signs do not change or alternate messages more than 12 times a minute. Means a pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated for the purpose of drawing attention to the sign.~~

Frame effect means a visual effect on an electronic sign applied to a single frame to transition from one message to the next.

Freestanding sign means a self-contained sign which is wholly independent of any building or other structure, including a portable display sign; but not including any off-premises outdoor advertising sign, any canopy sign, any residential subdivision/development sign, any sign for a nonresidential use in a residential zone, any sign designated under section 134-372 or temporary signs.

Sec. 134-313. General regulations.

(a) Applicability. Unless specifically excluded in this article, this article shall govern any sign erected, maintained or located in the unincorporated areas of the county. Signs wholly located within a structure or building and which are intended to be viewed from the interior of the building are not regulated by this article.....

(o) Electronic signs.

~~(1) Electronic signs may only be used to advertise activities actually conducted on the property on which the signs are located or to present public service information.~~

~~(2) No message may be displayed for less than one second.~~

~~(3) No message may be repeated at intervals of less than two seconds.~~

~~(4) No segmented message may last longer than ten seconds.~~

~~(5) No traveling message may travel at a rate slower than 16 light columns per second or faster than 32 light columns per second.~~

~~(6) Electronic signs shall meet the same installation and permitting requirements and inspections as set out for electrical signs and all other signs.~~

~~(7) Electronic signs shall not be allowed in residential zones.~~

Electronic signs may be used to advertise activities usually conducted on the property on which the signs are located or to present public service information subject to the following:

(1) The signs shall contain static messages for a period of three (3 seconds).

(2) Static messages shall instantaneously transition from one message to the next without the appearance of animation, frame effects or flashing.

(3) The signs shall come equipped with automatic dimming technology which automatically dims based on ambient light conditions.

(p) Prohibited signs. The following signs are prohibited in any zoning district in the unincorporated areas of the county:

(1) Banners and streamers, except as specifically allowed under this article.

(2) Signs which produce noise or sounds capable of being heard even though the sounds produced are not understandable sounds. This subsection does not prohibit radio transmissions used in conjunction with any sign.

(3) Signs which emit visible smoke, vapor, particles or odors.

(4) Signs which are erected or maintained upon trees, utility poles or painted or drawn upon rocks or other natural features.

(5) Permanent window signs which collectively cover more than 50 percent of the window glass surface area.

(6) Bench, covered shelter or bus shelter advertising signs other than as authorized by Cobb Community Transit.

~~(7) Flashing signs, except electronic signs as allowed in this article.~~

(8) Signs which advertise illegal activity or depict nudity,.....

Sec. 134-317. Public and/or private business, tourism and recreation directional signs.

Findings and purposes. Many people travel to, from and through the county on a daily basis. During weekday rush hours when the majority of people on the roads are commuting to or from work, roads are often nearly beyond their capacity. Traffic hazards, excessive curb cuts/access points and distractions must be minimized and interparcel access connections increased to improve mobility and reduce congestion. However, people at times need the benefit of directional signs to help them find their destinations to activities or business that have reduced access points and established interparcel connections and which offer as its primary business purpose tourism or public recreational activities. Properly regulated, such directional signs may actually aid the flow of traffic. The following regulations recognize the necessity of such directional signs and are intended to promote and protect the health, safety and welfare of the residents, visitors and businesses of the county.

Any activity or business that has established interparcel access connections in accordance with the Cobb County Development Standards, as may be amended from time to time, or any activity or business which offers as its primary business purpose tourism or public recreational activities located within the county or the six municipalities, such as Cobb Galleria Center, Kennesaw Mountain National Battlefield Park, Six Flags, White Water, Sun Valley Beach, Atlanta Classic, Acworth Beach, The General and/or county-owned facilities, shall be entitled to file for a county department of transportation approved, owned and maintained directional sign under rules and regulations to be promulgated by the county department of transportation in conjunction with state DOT regulations and approval by the county board of commissioners. These rules and regulations shall be adopted by vote of the county board of commissioners. Factors to be considered by the department of transportation in establishing these rules shall be:

- (1) Safety.
- (2) Number of signs.
- (3) Radius.
- (4) Location.
- (5) Size.
- (6) Color.
- (7) Height.
- (8) Cost to manufacture, install and maintain sign.
- (9) Other factors deemed relevant.

All costs incurred in manufacturing, erecting and/or maintaining these signs shall be borne by the person or entity causing the sign to be erected.

(Ord. of 1-9-90, § 16; Ord. of 2-25-92, § 16(A)(1)--(9); Ord. of 2-14-95, § 8; Ord. of 9-10-02)

Sec. 134-318. Off-premises outdoor advertising signs.

- (a) Effective the date of adoption of the ordinance from which this article is derived, off-premises outdoor advertising signs are prohibited.
- (b) Off-premises outdoor advertising signs legally existing on such date may be continued, even though such signs do not conform to this section. Such nonconforming signs shall not be expanded, relocated or replaced by another nonconforming sign, except as provided at subparagraph 134-318 (f) below., except that the substitution of interchangeable poster panels, painted boards or demountable material on nonconforming signs shall be allowed.
- (c) No such nonconforming sign shall continue after the discontinuance of the nonconforming use for a period of six months.
- (d) Unless a specific exception is stated in this article, no sign shall be located on or within 100 feet of a lot used for a church, school, park, cemetery or any lot zoned for residential use.
- (e) Notwithstanding any other provision of this article, no off-premises outdoor advertising signs shall be erected or maintained if any part of the sign or sign structure is visible from the main traveled way of the Lost Mountain scenic highway within unincorporated areas of the county, being State Highway 120, also known as Dallas Highway, from the line between Cobb and Paulding Counties to the line between the county and the City of Marietta. See 1986 Ga. Laws, page 535. This subsection shall also apply to any other road declared historic, scenic or natural after the adoption date of the ordinance from which this article is derived.
- (f) Notwithstanding the provisions of subparagraph (b) above, a nonconforming sign which is not the property of the site owner and which is removed from a site due to termination of its lease by expiration, violation, or agreement, and is not the subject of a county enforcement action, may be replaced within 120 calendar days by a different tenant with a non-electronic sign of the same or smaller square footage that is no taller and no wider than the one removed, provided it occupies the same footprint as the replaced sign and adheres to the same or greater setback from the property line. For purposes of this section, "non-electronic" means that the message portion of the sign may be externally lit, but that no portion of the structure, including the message portion, may have any moving parts, any flashing or changeable lights or message, any back-lighting, or any video components. Any such replacement sign must be properly permitted for construction within 60 calendar days of removal of the prior sign. Prior to permitting, the director of Code Enforcement must be provided documentation satisfactory to such director evidencing



compliance with this section, including the new lease, the termination of the prior lease, and the size and configuration of the old and the proposed new signs. Any signs constructed pursuant to this provision shall not be allowed to exist for more than 20 years after the date of issuance of the construction permit. If such a sign has not been taken down sooner, it shall be removed immediately following the 20-year expiration date.

(Ord. of 1-26-99)